

Katherine Douglas

Applicant Recusal Letter

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From: Jessica.StebbinsBina@lw.com
Sent: Thursday, October 30, 2025 10:34 AM
To: Joan Hartmann
Cc: sbcob; Rachel Van Mullem; Roy Lee; Supervisor Nelson; Steve Lavagnino; Laura Capps; srusch@sableoffshore.com
Subject: Recusal letter - November 4, 2025 Board of Supervisors Hearing re: transfer of permits to Sable Offshore
Attachments: 2025.10.30 Sable - Supervisor Hartmann Recusal Letter.pdf

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Supervisor Hartmann, Counsel,

Please see the attached letter.

Thank you,

Jessica Stebbins Bina

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October 30, 2025

VIA EMAIL AND FEDEX

Supervisor Hartmann and Honorable Supervisors
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105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101
sbcob@countyofsb.org

Rachel Van Mullem
County Counsel
County of Santa Barbara
105 E. Anapamu Street, Suite 201
Santa Barbara, CA 93101

Re: November 4, 2025, Meeting of the Santa Barbara County Board of Supervisors regarding Appeals of Planning Commission Approval of Change of Owner, Guarantor, and Operator for the Santa Ynez Unit, Pacific Offshore Pipeline Company Gas Plant and Las Flores Pipeline System – Request for Recusal of Supervisor Hartmann

Dear Supervisor Hartmann and Honorable Supervisors:

On behalf of Sable Offshore Corp. (“Sable”), Pacific Pipeline Company (“PPC”), and Pacific Offshore Pipeline Company (“POPCO”) (collectively, the “Applicants”), Applicants request that Supervisor Joan Hartmann again recuse herself from the November 4, 2025, vote on the appeals of the County Planning Commission’s (“Planning Commission”) October 30, 2024, approval of the Change of Owner, Guarantor, and Operator for the Las Flores Pipeline System (“Pipeline”), the Pacific Offshore Pipeline Company Gas Plant (“POPCO Facilities”), and the Santa Ynez Unit (“SYU”) (collectively, the “Facilities,” and the approvals, the “Transfers”), and from any subsequent matters involving the Transfers. Sable acquired the Facilities on February 14, 2024, from Mobil Pacific Pipeline Company (“MPPC”) and Exxon Mobil Corporation (“ExxonMobil”) and subsequently applied for the Transfers to change the names on the Facilities’ final development plan permits (“FDPs”) to Sable. The Planning Commission approved the Transfers on October 30, 2024, and those approvals were appealed (the “Appeals”) by various environmental advocacy groups to the Board of Supervisors (the “Board”). On February 25, 2025, the Board deadlocked 2-to-2 on the Appeals, resulting in no action.

The upcoming Board hearing is court-ordered. Applicants have obtained a writ of mandate from the United States District Court, Central District of California, compelling the

Board to act on the Appeals as required by County Code Chapter 25B. Thus, it is imperative that the Board reach a decision after a fair and impartial hearing.

However, Sable is concerned that the upcoming Board hearing on the Appeals will not be fair and impartial because Sable understands that Supervisor Hartmann intends to participate in the hearing in her formal role as a member of the Board.¹ Supervisor Hartmann owns real property “approximately 900 feet from” the Pipeline at issue.² In fact, Supervisor Hartmann has stated that the Pipeline goes *through* her property when she recused herself from the February 2025 Board hearing, stating that “the pipeline runs through the northeast corner of my property.”³ According to Supervisor Hartmann, “where the Pipeline comes, it actually abuts the northeast corner of my property.”⁴ Regardless of whether the Pipeline abuts or goes through her property, ***Supervisor Hartmann’s ownership of land adjacent to the Pipeline creates a conflict of interest—one she has consistently and publicly acknowledged.***

Notwithstanding Supervisor Hartmann’s longstanding conflict of interest with respect to the Pipeline, Sable understands that Supervisor Hartmann intends to participate in the Board’s consideration of the Appeals as a result of an advice letter that County Counsel received from the California Fair Political Practices Commission dated June 27, 2025. The 2025 FPPC Letter concludes that Supervisor Hartmann does not have a disqualifying financial interest in the Board’s action with respect to the Appeals because “it is not reasonably foreseeable that the [Board’s] decision[] would have a material effect” on property owned by Supervisor Hartmann.⁵ The 2025 FPPC Letter, however, fails to consider how the Board’s discussion of potential future oil spills from the Pipeline—which dominated the Board’s deliberations at the February 2025 Board hearing—impacts or could be perceived to impact Supervisor Hartmann’s property. The 2025 FPPC Letter also relies on an assumption about the Pipeline’s distance from Supervisor Hartmann’s property that is inconsistent with numerous other public statements. Finally, the 2025 FPPC Letter did not address Supervisor Hartmann’s conflict of interest due to her long

¹ See Santa Barbara Independent, “Hartmann Now Eligible to Vote on Some Sable Issues” (July 16, 2025), available at: <https://www.independent.com/2025/07/16/hartmann-now-eligible-to-vote-on-some-sable-issues>, attached as Ex. 23.

² See Letter from Dave Bainbridge, General Counsel for the Cal. Fair Political Practices Com (“FPPC”), to Rachel Van Mullem, County Counsel for Santa Barbara County, June 27, 2025, available at: <https://www.fppc.ca.gov/content/dam/fppc/documents/advice-letters/2025/25075.pdf> (“2025 FPPC Letter”), attached as Ex. 1; see also Letter from Hyla P. Wagner, General Counsel for the FPPC, to Michael C. Ghizzoni, County Counsel for Santa Barbara County, April 27, 2016, available at: <https://www.fppc.ca.gov/content/dam/fppc/documents/advice-letters/1995-2015/2017/17-037.pdf> (“2017 FPPC letter”), attached as Ex. 2. The date appears to be a typographical error, as the letter appears to have been issued in 2017, as it appears in the 2017 section of the FPPC’s website.

³ Transcript of Board of Supervisors Hearing on February 25, 2025 (“February Board Hearing Transcript”), p. 18, attached as Ex. 3.

⁴ Excerpts of NewsmakersWithJR, “Joan Hartmann Interview; [sic] incumbent for 3rd Supervisor District; Jan 12, 2023” Transcript (“Jan. 2023 Hartmann Interview Transcript”), attached as Ex. 4, video available at: <https://www.youtube.com/watch?v=OtVVBzN0yBI>.

⁵ See 2025 FPPC Letter (Ex. 1) at p. 2.

history of bias against Sable, ExxonMobil, and the fossil fuel industry generally. Because the 2025 FPPC Letter was limited only to analyzing whether she has a disqualifying *financial* interest and did not assess the totality of the circumstances surrounding Supervisor Hartmann and her conflicts of interest concerning the Pipeline, it cannot be relied upon here.

Thus, just as she recused herself in February 2025, Supervisor Hartmann must recuse herself from the upcoming hearing.

It is well-settled that a public official must be an “**impartial, noninvolved reviewer**” in quasi-judicial matters, such as the Appeals. The California Political Reform Act prohibits a public official from participating in a decision when the official has a conflict of interest. California courts also find an unacceptable probability of bias when public officials publicly criticize a project, publicly criticize the parties involved in a project, or become personally embroiled in a project. *Supervisor Hartmann has done all three, confirming she cannot act as an impartial decisionmaker and necessitating her recusal under California law.* Supervisor Hartmann’s numerous statements evince prejudice and opposition to the parties involved in the Transfers and preclude her from impartially considering the Appeals.

Accordingly, in the interests of fairness and good government, **Applicants respectfully request that Supervisor Hartmann recuse herself from the Board’s consideration of the Appeals.**

I. BACKGROUND

As the Board is aware, the Facilities are existing, permitted facilities authorized to process, treat, and transport crude oil and natural gas from offshore platforms in the Santa Barbara Channel. Following the 2015 Refugio oil spill, which took place under the prior operator of the Pipeline, offshore oil production at the SYU was suspended. Since then, the Facilities have been subject to ongoing inspection, preservation, and maintenance activities to maintain them in an active state. From March 2022 to September 2023, the Board heard several applications involving the Facilities submitted by former owners of the Facilities. These include: (1) a March 2022 hearing concerning ExxonMobil’s interim trucking proposal to transport crude oil by truck from the Facilities to local refineries (“ExxonMobil Interim Trucking Proposal”), which was denied by the Board; (2) an August 2023 hearing on an appeal from the Planning Commission’s denial of PPC’s proposal to install legally required upgraded safety valves for the Pipeline (“Valve Upgrade Project”), which was not approved by the Board and which was the subject of follow-on litigation and an eventual settlement permitting the valves’ installation; and (3) a September 2023 hearing involving the Appeal of the Planning Commission Approval of the Change of Ownership, Change of Guarantor, and Change of Operator for the Las Flores Pipeline System (formerly Plains All American Lines 901/903) (“2023 Permit Transfer Appeal”), where the Board affirmed the Planning Commission’s approval.⁶

⁶ Consistent with her longstanding practice of recusing herself from all Pipeline-related matters due to her personal interest, Supervisor Hartmann formally recused herself from the August 22, 2023, Board hearing on the Valve Upgrade Project. See County of Santa Barbara Planning & Development, 901/903 Valve

On February 14, 2024, the Applicants acquired full ownership of the Facilities from ExxonMobil and MPPC. Promptly thereafter on March 14, 2024, the Applicants submitted applications to the County to authorize the Transfers pursuant to County Code Chapter 25B. After working collaboratively with the Applicants, County staff deemed the applications complete on July 30, 2024, and subsequently recommended that the Planning Commission approve the Transfers.⁷ Following a lengthy and thorough hearing—lasting approximately six hours—on October 30, 2024, the Planning Commission made the Findings and approved the Transfers by a vote of 3-to-1.

The two Appeals were filed by (1) the Center for Biological Diversity and Wishtoyo Foundation; and (2) the Environmental Defense Center, Get Oil Out!, and Santa Barbara County Action Network. On February 20, 2025, Planning and Development staff recommended that the Board deny the Appeals on the basis that the Applicants satisfied the requirements of Chapter 25B. Under Chapter 25B, permit transfer is mandatory so long as the narrow requirements of the chapter—which largely focus on demonstrating that the new owner, operator, and guarantor of the permitted facilities have updated the permit information and agreed to comply with the FDPs’ requirements—are met. Both County staff and various Supervisors have acknowledged that the requirements of Chapter 25B are, in essence, a “checklist.” At its February 25, 2025, hearing, however, the Board failed to reach a decision on the Appeals. In accordance with her longstanding practice, Supervisor Hartmann recused herself from that Board vote, stating: “I must recuse the pipeline runs through the northeast corner of my property so, I am affected differently than the general members of the public and can’t influence my fellow Board members.”⁸ After several hours of public comments, the four remaining members of the Board failed to reach a decision on the appeals, with the vote resulting in a 2-to-2 split. Subsequently, the County refused to transfer the FDPs, leaving Applicants in administrative and legal limbo.

On May 8, 2025, Applicants filed a Verified Petition for Writ of Mandate and Complaint for Declaratory Relief and Damages in the U.S. District Court, Central District of California against the County of Santa Barbara and the Board alleging, among other claims, that the County failed to comply with Chapter 25B by failing to act on the appeals. On September 12, 2025,

Upgrade, available at: <https://www.countyofsb.org/880/901903-Valve-Upgrade>; Aug. 14, 2023, Board Final Action Letter, attached hereto as Ex. 5. She also recused herself from the September 19, 2023, Board hearing for the 2023 Permit Transfer Appeal, stating “the pipeline runs directly adjacent to the northeast corner of my property, so due to a conflict of interest potential, I need to recuse myself and I’ll leave now.” Excerpts of September 19, 2023, Board Hearing Transcript, attached hereto as Ex. 21; *see also* County of Santa Barbara Planning & Development, 901/903 Pipeline Permit Transfer, available at: <https://www.countyofsb.org/3773/901903-Pipeline-Permit-Transfer>; September 19, 2023, Board Minutes, attached hereto as Ex. 6. She voted against the ExxonMobil Interim Trucking Proposal. *See* County of Santa Barbara Planning & Development, ExxonMobil Interim Trucking for SYU Phased Restart, available at: <https://www.countyofsb.org/872/ExxonMobil-Interim-Trucking-for-SYU-Phas>; March 16, 2022, Board Final Action Letter, attached hereto as Ex. 7.

⁷ Santa Barbara County Planning Commission, Staff Report for a Change of Owner, Operator, and Guarantor for the Santa Ynez Unit, POPCO Gas Plant, and Las Flores Pipeline System Final Development Plan Permits (October 22, 2024) at p. 2.

⁸ February Board Hearing Transcript (Ex. 2.) at p. 18.

following a hearing on cross-motions for summary judgment, the court issued a peremptory writ of mandate ordering the Board to hold a new hearing to affirm, reverse, or modify the Planning Commission's decision in compliance with Chapter 25B. In its order, the court explained that in deciding the Appeals, the Supervisors must comply with the requirements of Chapter 25B, noting that a vote to deny the Transfers because it was "the right thing to do" or on the basis that restarting the Facilities was a "bad" idea would not exemplify compliance. The Board of Supervisors is scheduled to hold a new hearing on the Appeals on November 4, 2025.

II. PUBLIC OFFICIALS MAY NOT PARTICIPATE IN DECISIONS WHERE THE OFFICIAL HAS A CONFLICT OF INTEREST

California law bars public officials from participating in decisions in which they have a conflict of interest. Under the Political Reform Act, a public official may not "make, participate in making, or attempt to use the public official's official position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest."⁹ An official has a disqualifying financial interest when it is reasonably foreseeable the decision will have a material financial effect—distinct from its effect on the public generally—on the official, a member of the official's immediate family, or on specified interests in a business entity, real property, or a source of income or gifts.¹⁰

Under Title 2 of the California Code of Regulations, section 18702.2, decisionmakers must recuse when it is reasonably foreseeable that a decision will materially affect their real property interests. A material effect is presumed when the governmental decision involves property in close proximity to a decision-maker's real property. Specifically, the financial effect is material when the government decision "[i]nvolves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property," or "[i]nvolves property located more than 500 feet but less than 1,000 feet from the property line of the parcel" when the decision would change the parcel's development potential; income producing potential; highest and best use; character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or market value.¹¹

The Pipeline runs through or in close proximity to Supervisor Hartmann's real property parcel in Santa Barbara County. While she has taken various positions on whether the Pipeline is actually located on or near her property, the Pipeline is in close enough proximity to impact her property.¹² As described below, her ownership of land adjacent to the Pipeline creates a

⁹ Gov. Code § 87100.

¹⁰ Gov. Code § 87103.

¹¹ Cal. Code Regs. tit. 2, § 18702.2, subd. (a)(7), (8).

¹² The 2025 FPPC Letter states that Supervisor Hartmann's "real property parcel [is] approximately 900 feet from" the Pipeline at issue, Line 903. However, Supervisor Hartmann stated that the Pipeline goes *through* her property when she recused herself from the February 2025 Board hearing, stating that "the pipeline runs through the northeast corner of my property." February Board Transcript (Ex. 3.), p. 18. In

conflict of interest—a conflict of interest that she has consistently and publicly acknowledged. Thus, in the interest of fairness, Supervisor Hartmann must recuse herself.

A. Supervisor Hartmann’s Conflict of Interest Requires Recusal

Based on Supervisor Hartmann’s own admissions, the Pipeline either runs through or in close proximity to Supervisor Hartmann’s property. Under California’s conflict-of-interest rules, that proximity creates a reasonably foreseeable, material effect on her property interests. Consistent with this, she has repeatedly recused herself from matters involving the Pipeline, and she should do so here as well.

Because of the Pipeline’s proximity to Supervisor Hartmann’s parcel, decisions regarding the Facilities affect her differently than the public at large. The Political Reform Act presumes a material financial effect where a governmental decision involves property within 500 feet of an official’s parcel, and the effect may still be material within 500–1,000 feet if the decision changes development potential, income-producing potential, highest and best use, or the property’s character (e.g., traffic, intensity, parking, views, privacy, noise, air quality) or market value.¹³ Supervisor Hartmann has publicly stated the Pipeline runs through or abuts the northeast corner of her property,¹⁴ which triggers the presumption. Supervisor Hartmann has admitted that she cannot rebut this.¹⁵

The 2025 FPPC Letter does not alter this analysis.¹⁶ It assessed only whether Supervisor Hartmann had a disqualifying financial interest in the permit transfer or related litigation. Indeed, the 2025 FPPC Letter expressly assumed the Appeals would not affect Pipeline restart or operations—which, while true, is an assumption some Supervisors have apparently disputed, viewing their votes as a referendum on “restart.”¹⁷ In its order, the U.S. District Court explained

addition, in 2023, Supervisor Hartmann explained that “where the Pipeline comes, it actually abuts the northeast corner of my property.” Jan. 2023 Hartmann Interview Transcript (Ex. 4), p. 1.

¹³ California courts have also applied a common law conflict of interest doctrine to decisions involving a decisionmaker’s personal interest in a project, independent of the Political Reform Act’s rules on *financial* interest. See *Clark v. City of Hermosa Beach* (1996) 48 Cal.App.4th 1152, 1172 (finding a conflict of interest due a council member’s personal interest in preserving an ocean view, even where there was no disqualifying *financial* interest under the Political Reform Act).

¹⁴ February Board Transcript (Ex. 3.), p. 18; Jan. 2023 Hartmann Interview Transcript (Ex. 4), p. 1.

¹⁵ Email from Supervisor Hartmann to Len Fleckenstein, “Re: Question on recusal for Sable pipeline” (Jan 24, 2025, attached as Ex. 8 (“The pipeline runs right next to the NE corner of my property. I receive lots of special notices from the pipeline companies because of this close proximity. My HOA is quite concerned about the potential for the pipeline to contaminate our aquifer, the source of our water. So, I am affected in a different way than a member of the general public vis a vis this project. I don’t know how I could rebut the FPPC presumption . . .”))

¹⁶ 2025 FPPC letter (Ex. 1) at p. 2.

¹⁷ During the February 25, 2025, Board hearing, Supervisor Lee stated that restarting the Pipeline is “an insane idea” and a “very bad idea.” February Board Transcript (Ex. 3), p. 198. In addition, when discussing the Valve Upgrade Project in an interview, Chair Capps acknowledged that she voted against

that in deciding the Appeals, the Supervisors must comply with the requirements of Chapter 25B.¹⁸ Chapter 25B does not allow the Board to consider “restart.”

Yet, at the February 25, 2025, hearing, every participating Supervisor discussed the possibility of a future oil spill along the Pipeline,¹⁹ and the Supervisors who voted to uphold the Appeals explained their position as motivated by concerns regarding a potential spill.²⁰ As she has repeatedly acknowledged in her prior recusals, even the perceived risk of such a spill on or adjacent to Supervisor Hartmann’s property undoubtedly could affect its value. As such, Supervisor Hartmann should not be permitted to participate in these discussions.

The 2025 FPPC Letter also assumed the Pipeline is approximately 900 feet from her parcel, based on information provided by County Counsel.²¹ This assumption conflicts with earlier estimates provided by County Counsel to the FPPC in 2017 that the distances between the Pipeline and the closest edge of Supervisor Hartmann’s parcel “vary from about 50 feet to about 1,000 feet” and that the closest distance between the Pipeline and her residence is “about 750 feet.”²² In addition, in June 2025, when County Counsel told the FPPC that the closest distance between the Pipeline and the edge of Supervisor Hartmann’s parcel is approximately 900 feet, County Counsel expressly acknowledged that “the County does not know for certain the exact location of the [P]ipeline.” The assumption also does not address her own numerous statements

the installation of upgraded valves on the Pipeline, despite them being required by state law, “*because it was a way to restart the pipeline.*” Transcript of “Episode 498: One on One with Laura Capps; June 6, 2025,” NewsmakerswithJR, (June 6, 2025), available at: <https://www.youtube.com/watch?v=u4gmxCnZvDM> (emphasis added) (Ex. 9), p. 2. In the same interview, Chair Capps discussed the February 25, 2025, tie vote as part of her broader efforts to prevent Pipeline “restart.”

¹⁸ See Order re Cross Motions for Summary Judgment, at pp. 23-24, attached as Ex. 22.

¹⁹ See February Board Hearing Transcript (Ex. 3) at p. 5 (Supervisor Lee asking what would happen if an operator’s “insurance could not cover the cost of a spill”); *id.*, at p. 6 (Chair Capps stating that she has “deep concerns about [the Pipeline’s] safety”); *id.* at p. 7 (Supervisor Lavagnino stating that “what everybody’s worried about is that the pipeline fails”); *id.* at p. 8 (Supervisor Nelson asking how common ownership of the Facilities affects spill response).

²⁰ See *id.* at p. 9 (Supervisor Lee explaining his vote by stating “we have a pipeline that leaked in 2015, that devastated our environment, our coastline, economy, and killed so many wildlife, and we want to restart it”); *id.* at p. 12 (Chair Capps stating that “this is not fair to the public that this is the one shot you’ve all had here in Santa Barbara, where we experienced a devastating spill in 2015”).

²¹ The FPPC assumed the Pipeline is 900 feet from her parcel based on communications from County Counsel to the FPPC on June 5, 2025. See email from Rachel Van Mullem to L. Karen Harrison, “FW: Question re FPPC Request 25-075” (June 5, 2025), attached as Ex. 10. County Counsel explained that certain Geographic Information System data, permitting data, and inspections of “scars in aerial imagery from construction” demonstrate that “the closest edge of Supervisor Hartmann’s parcel (APN 099-430-001) to Pipeline 903 is approximately 900 feet and the closest edge of Supervisor Hartmann’s residence to Pipeline 903 is approximately 1,040 feet.” *Id.* at p. 1. However, County Counsel acknowledged that “the County does not know for certain the exact location of the pipeline.” *Id.*

²² Letter from Michael C. Ghizzoni to the FPPC, “Re: Request for Formal Advice on behalf of Santa Barbara County’s Third District Supervisor, Joan Hartmann” (Feb. 6, 2017), attached as Ex. 11, at p. 1.

that she has a conflict because the Pipeline crosses or abuts her property.²³ Even at 900 feet, however, a material effect is still presumed if the decision changes the parcel's development potential, use, character, or value.

Supervisor Hartmann herself has acknowledged that her property is differently situated with respect to the Pipeline. In a January 24, 2025, email to a constituent, she wrote that the Pipeline "runs right next to the NE corner of my property," that she receives special notices due to the proximity, and that her HOA is concerned about aquifer contamination that could result from a Pipeline spill.²⁴ She further stated that if she participated in the Appeals, "it would be challenged by Sable who would likely prevail."²⁵ In a 2023 interview, Supervisor Hartmann similarly explained that the Pipeline abuts her property and that FPPC rules and County Counsel advice required recusal.²⁶ In fact, she confirmed that for the Board's discussions related to the Pipeline, she "can't even be in the room."²⁷

²³ Supervisor Hartmann and her Chief of Staff, Gina Fischer, have made numerous statements about how the Pipeline grazes or runs next to her property. *See, e.g.*, email from Supervisor Hartmann to John Barron, "Re: Sable Oil" (January 6, 2025), attached as Ex. 12 ("I have had to recuse myself from any decision making because the pipeline abuts the NE corner of my property. I feel like my hands are tied because of FPPC conflict of interest rules. I am not allowed to approach other members of the Board about this."); email from Supervisor Hartmann to Len Fleckenstein (Ex. 8); email from Gina Fischer to Michelle Cisneros, "FW: Daily Nexus Inquiry" (February 6, 2025), attached as Ex. 13 ("Our office is recused from participating on matters pertaining to the pipeline because it grazes by Supervisor's [sic] Hartmann's home in Buellton, therefore, per FPPC rules, it impacts her differently as a decision-maker than other matters. So we can only know what the public knows and cannot influence our colleagues."); email from Gina Fischer to Bill Woodbridge, "FW: Deny transfer of Exxon pipeline ownership to Sable" (February 19, 2025), attached as Ex. 14 ("You raise really good points and I'm glad you wrote to us. Unfortunately, the pipeline grazes by Supervisor Hartmann's residence just north of Buellton so she has to recuse from voting on pipeline matters per FPPC rules about conflicts of interest."); email from Gina Fischer to Nancy Tobin, "RE: Deny Permit transfer to Sable Offshore Corporation" (February 25, 2025), attached as Ex. 15 ("The pipeline runs right next to the NE corner of Supervisor Hartmann's property, as such, she is affected by the pipeline in ways that others are not – that is, she is materially affected"); email from Gina Fischer to Alejandro Lazo, "Minor correction on Sable pipeline story" (April 14, 2025), attached as Ex. 16 ("In reference to the County Supervisor who has to recuse on voting because the pipeline runs near her home property, she legally has to recuse . . ."); email from Gina Fischer to Gwyn Lurie, "Re: A brief conversation" (July 18, 2025), attached as Ex. 17 ("Based on the proximity of [her] residence to the pipeline, it appeared [Supervisor Hartmann] would be disqualified from participating in related decisions.")

²⁴ Email from Supervisor Hartmann to Len Fleckenstein (Ex. 8). *See also*, email from Supervisor Hartmann to Brandon Sparks-Gillis, "Re: Public Comment RE: Feb 25th agenda. Please deny Sable transfer requests" (Feb. 13, 2025), attached as Ex. 18 ("I am recused because the pipeline skims my property and my HOA is very concerned that a leak would contaminate our groundwater wells.")

²⁵ Email from Supervisor Hartmann to Len Fleckenstein (Ex 8).

²⁶ Jan. 2023 Hartmann Interview (Ex. 4) at p. 1.

²⁷ *Ibid.*

Supervisor Hartmann’s conduct regarding the Pipeline has, until this hearing, matched those statements. She recused herself from the Valve Upgrade Project. She recused herself from the 2023 Permit Transfer Appeal. And she recused herself from the February 25, 2025, hearing on the same Appeals now before the Board—in that case specifically affirming that the Pipeline runs through the northeast corner of her property and that she is affected differently than the general public.²⁸

Supervisor Hartmann’s recent suggestion that she need not recuse herself, based on the 2025 FPPC letter, is inconsistent with both her prior public admissions and her past recusals. Indeed, even after a 2017 FPPC letter advised she could participate in certain proceedings related to remediation and corrective action following the 2015 spill,²⁹ Supervisor Hartmann has repeatedly chosen to recuse herself from proceedings involving the Pipeline because of her personal connection to the Pipeline, confirming that she views her conflict more broadly than the FPPC does. The underlying facts have not changed: she still owns the same property,³⁰ and the Pipeline’s location relative to it has not changed. Yet even though she has consistently maintained that the Pipeline is close enough to her property to create a conflict of interest, she is now willing to overlook this—even when the County admits that it does not know the Pipeline’s exact location or the true distance of her property from the Pipeline. In fairness and consistent application of the rules, she should continue to recuse and refrain from participating in any hearing concerning the Appeals.

For these reasons, and given her public acknowledgments and consistent past practice, Supervisor Hartmann should recuse herself from the November 4, 2025, hearing and all future proceedings involving the Pipeline.

III. SUPERVISOR HARTMANN SHOULD ALSO RECUSE HERSELF FOR BIAS

Not only is Supervisor Hartmann’s personal interest disqualifying, she also has made several public statements indicating her bias against the Applicants and her willingness to prejudge the merits of the Appeals. This, too, warrants her recusal.

When the Board performs quasi-judicial functions, such as by considering a permit transfer appeal from the Planning Commission, the Federal and California Constitutions guarantee due process of law and obligate the Board to provide a fair tribunal to the applicant.

²⁸ 901/903 Valve Upgrade, *supra* note 5; Aug. 14, 2023, Board Final Action Letter (Ex. 5); County of Santa Barbara, Sept. 19, 2023, Bd. of Supervisors Meeting Materials, last accessed July 2, 2025, available at: <https://santabarbara.legistar.com/LegislationDetail.aspx?ID=6350694&GUID=05934DA4-A24B-488A-98DF-652D2869B9F0&Options=&Search=>; Sept. 19, 2023, Board Minutes (Ex. 6); February 2025 Board Transcript (Ex. 3) at p. 3.

²⁹ 2017 FPPC letter (Ex. 2), pp. 1-2.

³⁰ Supervisor Hartmann stated that she “wish[ed] [she] could participate, although not so much that [she] will sell [her] house and move.” Email from Supervisor Hartmann to Len Fleckenstein (Ex. 8).

“[T]he undeniable public interest in fair hearings in the administrative adjudication arena, militate in favor of assuring that such hearings are fair.”³¹

Procedural due process thus requires that the Appeals be heard “before a reasonably impartial, noninvolved reviewer.”³² Public officials are “impliedly bound to exercise the powers conferred on [them] with disinterested skill, zeal, and diligence and primarily for the benefit of the public.”³³ While the “standard for impartiality” in administrative hearings is less exacting than in judicial proceedings,³⁴ where “concrete facts” establish “an unacceptable probability of actual bias,” by a decisionmaker, recusal is **mandatory**.³⁵ Decisions made without recusal may be vacated.³⁶ Put differently, an “unacceptable probability of actual bias . . . sufficient to preclude [a decisionmaker]” exists whenever a decisionmaker cannot serve as a “reasonably impartial, noninvolved reviewer[.]”³⁷ “Conclusive proof of actual bias is not required.”³⁸

A government official’s bias against a particular project precludes them from serving as an “impartial, noninvolved reviewer.” In *Nasha v. City of Los Angeles*, for example, a California court found that a planning commissioner deprived a project developer of a fair hearing as a result of the commissioner’s “unacceptable probability of actual bias.”³⁹ There, the commissioner authored a letter calling the project a “threat to [the] wildlife corridor,” and, as a member of a local community association, had arranged for another member to speak out against the project.⁴⁰ The court held that the commissioner should have recused himself because “[t]he article clearly advocated a position against the project” and “was not merely informational.”⁴¹ The court held that the failure of the decision maker to recuse himself required the planning commission’s decision to be vacated.⁴²

Similarly, in *Petrovich Development Co., LLC v. City of Sacramento*, the court held that a developer was denied a fair hearing when a city councilmember “acted as advocate, not a neutral

³¹ See *Nasha v. City of Los Angeles* (2004) 125 Cal.App.4th 470, 483 (quoting *Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81, 90).

³² *Burrell v. City of Los Angeles* (1989) 209 Cal.App.3d 568, 581; see also *Woody’s Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1022–23; *Nasha, supra*, 125 Cal.App.4th at 483 (quoting *Gai v. City of Selma* (1998) 68 Cal.App.4th 213, 219).

³³ *Noble v. City of Palo Alto* (1928) 89 Cal.App. 47, 51.

³⁴ *Nasha, supra*, 125 Cal.App.4th. at p. 483.

³⁵ *Id.* at pp. 483-84.

³⁶ *Id.* at p. 484.

³⁷ *Ibid.*

³⁸ *Today’s Fresh Start, Inc. v. Los Angeles County Office of Education* (2013) 57 Cal.4th 197, 216.

³⁹ *Nasha, supra*, 125 Cal.App.4th at pp. 483-84.

⁴⁰ *Id.* at p. 477.

⁴¹ *Id.* at p. 484.

⁴² *Ibid.*

and impartial decision maker” by engaging in “efforts to organize opposition” to an application for a conditional use permit.⁴³ This advocacy included providing the president of a local association opposing the project with key talking points in an effort to “coach[]” the association’s opposition.⁴⁴ The court held the councilmember “took affirmative steps to assist opponents of the . . . conditional use permit” and helped organize opposition at the hearing.⁴⁵ These facts indicated the councilmember was “not a neutral and impartial decision maker” and that he “should have recused himself from voting . . .”⁴⁶

In *Clark v. City of Hermosa Beach*, the court held that the city denied a permit applicant’s right to a fair hearing because a local councilmember, who voted to overturn the planning commission’s project approval, had a personal interest in defeating the project.⁴⁷ The project, which involved construction of a 35-foot tall condominium, was poised to obstruct the ocean view from the councilmember’s own property. This, coupled with the councilmember’s “personal animosity” against the applicants, evidenced by repeated harassment directed toward the applicants, was sufficient evidence that the councilmember was “not a disinterested, unbiased decisionmaker.”⁴⁸

Recently, in *Hermosa Fitness, LLC v. City of Hermosa Beach*, the Los Angeles County Superior Court found that a city councilmember deprived a cross-fit gym of a fair hearing during a nuisance abatement proceeding by helping residents “build a record” against the gym.⁴⁹ The court stated that the councilmember’s coordination with residents opposed to the gym demonstrated that she “became an active participant in building a nuisance case against the Gym.”⁵⁰ Even though the councilmember “may not have written an advocacy statement prior to the meeting, she performed functions of an advocate (e.g. investigation, evidence gathering) only for the complaining residents.”⁵¹ Because the councilmember did not recuse herself, the gym was deprived of a fair hearing.⁵²

As described below, the same approach must apply here where the evidence shows that Supervisor Hartmann has a clear record of bias against Sable and the Facilities that precludes her

⁴³ *Petrovich Development Co., LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 975-76.

⁴⁴ *Id.* at p. 975.

⁴⁵ *Id.* at p. 976.

⁴⁶ *Ibid.*

⁴⁷ *Clark, supra*, 48 Cal.App.4th at 1173.

⁴⁸ *Id.* at p. 1173.

⁴⁹ Minute Order, *Hermosa Fitness, LLC v. City of Hermosa Beach* (Super. Ct. L.A. County, Sept. 24, 2020, No. 18STCP02840), at p. 14.

⁵⁰ *Id.* at p. 15.

⁵¹ *Ibid.*

⁵² *Ibid.*

from acting as a “reasonably impartial, noninvolved reviewer” and from applying “disinterested skill, zeal and diligence” to the quasi-judicial evaluation of the Appeals.

A. Supervisor Hartmann’s Record of Bias and Lack of Impartiality Against the Fossil Fuel Industry, Sable, and ExxonMobil

As shown below and in the exhibits to this letter, Supervisor Hartmann is biased and incapable of impartially considering the Appeals.

Supervisor Hartmann has made specific statements that reveal her bias against Sable. Shortly after Exxon sold the Facilities to Sable, she stated, “[t]his is not necessarily good news for those of us concerned about oil . . . For Exxon, this is just a drop in the bucket, but for these people, it’s everything. I expect them to really buckle down and try to make something happen.”⁵³ In addition, she stated that if the Facilities’ operations start back up, it would derail the County’s emissions goal to cut GHGs by 2030; specifically that “it would ‘blow that to hell,’” as the Facilities have been claimed to account for roughly half the greenhouse gases emitted in the County.⁵⁴ Thus, Supervisor Hartmann has expressed bias against Sable, the specific party involved in the dispute, and has indicated a bias towards preventing Sable from operating the Facilities.⁵⁵

Supervisor Hartmann also has exhibited a bias against ExxonMobil, the current permit holder for the Facilities. When discussing her opposition to the 2022 ExxonMobil Interim Trucking Proposal, which she voted against, she stated, “Exxon has been really recalcitrant in acknowledging global warming. They funded the Heartland Institute based on the same model that tobacco used, big tobacco used to create doubt about the dangers of smoking. Very similarly, Exxon funded institutes to sow doubt about climate change, and they still have not embraced the reality that we’re all facing.”⁵⁶ Supervisor Hartmann’s statements indicate a bias against ExxonMobil as well as Sable.

While Supervisor Hartmann has previously recused herself from matters involving the Pipeline, she has indicated to her constituents in writing that she opposes the Transfers and would vote against Sable if she were allowed. For example, in response to a constituent’s comment opposing the issuance of permits to Sable and criticizing the company, Supervisor

⁵³ Santa Barbara Independent, “Is ExxonMobil Sailing Off into Santa Barbara’s Sunset?” (Nov. 9, 2022), available at: <https://www.independent.com/2022/11/09/is-exxonmobil-sailing-off-into-santa-barbaras-sunset>, attached hereto as Ex. 19.

⁵⁴ Wash. Post, “Drilling could resume where a 1969 oil spill inspired Earth Day” (Jan. 2, 2025), available at: <https://www.washingtonpost.com/climate-environment/2025/01/02/oil-pipeline-santa-barbara-offshore-drilling>, attached hereto as Ex. 20.

⁵⁵ See *Gai*, *supra*, 68 Cal.App.4th at 220-21.

⁵⁶ Transcript of Santa Barbara Independent podcast excerpts, “The Indy, Ep. 44: The Final Decision on Offshore Oil Trucking in Santa Barbara” (March 31, 2022), available at: <https://www.independent.com/multimedia/the-indy-ep-44-the-final-decision-on-offshore-oil-trucking-in-santa-barbara>, at pp. 2-3.

Hartmann replied, “I agree wholeheartedly with you.”⁵⁷ She further stated that she “feel[s] like [her] hands are tied because of FPPC conflict of interest rules” which prohibit her from “approach[ing] other members of the Board about this.”⁵⁸

Like the situation in *Clark*, Supervisor Hartmann has demonstrated a “personal animosity” toward the Applicants.⁵⁹ Her statements make clear that she has pre-committed to the course of action that would prevent fossil fuel projects in Santa Barbara rather than acting as “a neutral impartial decisionmaker.”⁶⁰ Through her public comments about preventing the operation of the fossil fuel industry in Santa Barbara, Supervisor Hartmann, like the councilmember in *Petrovich Development Co.*, has made it clear that she intends to “act[] as advocate, not a neutral and impartial decision maker” when deciding on the Appeals.⁶¹ Her public statements reveal a pre-commitment and prejudice against the Applicants that is incompatible with the principles of due process and fair adjudication required in quasi-judicial proceedings.

IV. CONCLUSION

Applicants respectfully request that Supervisor Hartmann recuse herself from any involvement in the Board’s consideration of the Appeals related to the Transfers. As Supervisor Hartmann herself has confirmed, she has a documented conflict of interest due to the proximity of her property to the Pipeline. In addition, her documented bias and public statements against Applicants and ExxonMobil raise serious concerns about her ability to act as an impartial decision-maker. The integrity of the administrative process and the Applicants’ right to a fair hearing are at stake. To uphold the principles of fairness and due process, it is essential that Supervisor Hartmann continue to abstain from proceedings involving the Facilities, including the hearing on November 4, 2025. We trust that the Board will take the necessary steps to ensure a fair and unbiased evaluation of the Appeals, in accordance with the law and the standards of good governance. Thank you for your attention to this critical matter.

⁵⁷ Email from Supervisor Hartmann to John Barron (Ex. 12).

⁵⁸ In response to a constituent’s question about Supervisor Hartmann’s participation at the February 25, 2025, Board hearing, Supervisor Hartmann appeared to acknowledge the conflict of interest, stating that she “very much wish [she] could participate,” but she must recuse herself. Email from Supervisor Hartmann to Len Fleckenstein (Ex. 8).

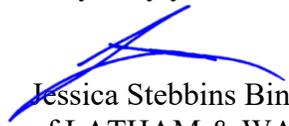
⁵⁹ See *Clark*, *supra*, 48 Cal.App.4th at 1173.

⁶⁰ See *Petrovich*, *supra*, 48 Cal.App.5th at pp. 975-76.

⁶¹ *Ibid.*

LATHAM & WATKINS^{LLP}

Very truly yours,



Jessica Stebbins Bina
of LATHAM & WATKINS LLP

Enclosures

cc: Steve Rusch, Sable Offshore Corp.

Index of Exhibits

Exhibit No.	Description	Date
1.	Letter from Dave Bainbridge, General Counsel for the Cal. Fair Political Practices Com (“FPPC”), to Rachel Van Mullem, County Counsel for Santa Barbara County	June 27, 2025
2.	Letter from Hyla P. Wagner, General Counsel for the FPPC, to Michael C. Ghizzoni, County Counsel for Santa Barbara County	April 27, 2016
3.	Excerpts of February 25, 2025, Board of Supervisors Hearing Transcript	February 25, 2025
4.	Excerpts of NewsmakersWithJR, “Joan Hartmann Interview; [sic] incumbent for 3rd Supervisor District; Jan 12, 2023” Transcript	January 12, 2023
5.	August 24, 2023, Board Final Action Letter	August 24, 2023
6.	September 19, 2023, Board Minutes	September 19, 2023
7.	March 16, 2022, Board Final Action Letter	March 16, 2022,
8.	Email from Supervisor Hartmann to Len Fleckenstein, “Re: Question on recusal for Sable pipeline”	January 24, 2025
9.	Excerpts of NewsmakersWithJR, “Episode 498: One on One with Laura Capps; June 6, 2025 ” (June 6, 2025) Transcript	June 6, 2025
10.	Email from Rachel Van Mullem to L. Karen Harrison, “FW: Question re FPPC Request 25-075”	June 5, 2025
11.	Letter from Michael C. Ghizzoni to the FPPC, “Re: Request for Formal Advice on behalf of Santa Barbara County’s Third District Supervisor, Joan Hartmann”	February 6, 2017
12.	Email from Supervisor Hartmann to John Barron, “Re: Sable Oil”	January 6, 2025
13.	Email from Gina Fischer to Michelle Cisneros, “FW: Daily Nexus Inquiry”	February 6, 2025
14.	Email from Gina Fischer to Bill Woodbridge, “FW: Deny transfer of Exxon pipeline ownership to Sable”	February 19, 2025
15.	Email from Gina Fischer to Nancy Tobin, “RE: Deny Permit transfer to Sable Offshore Corporation”	February 25, 2025
16.	Email from Gina Fischer to Alejandro Lazo, “Minor correction on Sable pipeline story”	April 14, 2025
17.	Email from Gina Fischer to Gwyn Lurie, “Re: A brief conversation”	July 18, 2025

Exhibit No.	Description	Date
18.	Email from Supervisor Hartmann to Brandon Sparks-Gillis, "Re: Public Comment RE: Feb 25th agenda. Please deny Sable transfer requests"	February 13, 2025
19.	Santa Barbara Independent, "Is ExxonMobil Sailing Off into Santa Barbara's Sunset?"	November 9, 2022
20.	Wash. Post, "Drilling could resume where a 1969 oil spill inspired Earth Day"	January 2, 2025
21.	Excerpts of September 19, 2023 Board Hearing Transcript	September 19, 2023
22.	Order re Cross Motions for Summary Judgment	September 12, 2025
23.	Santa Barbara Independent, "Hartmann Now Eligible to Vote on Some Sable Issues"	July 16, 2025

EXHIBIT 1



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

June 27, 2025

Rachel Van Mullem
County Counsel
Santa Barbara County
105 E. Anapamu Street, Suite 201
Santa Barbara, CA 93101

Re: Your Request for Advice
Our File No. A-25-075

Dear Ms. Van Mullem:

This letter responds to your request for advice on behalf of Santa Barbara County (“County”) Supervisor Joan Hartmann regarding the conflict of interest provisions of the Political Reform Act (the “Act”) and Government Code Section 1090.¹

Please note that we are only providing advice under the Act and Section 1090, not under other general conflict of interest prohibitions such as common law conflict of interest. Also, note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

We are required to forward your request regarding Section 1090 and all pertinent facts relating to the request to the Attorney General’s Office and the Santa Barbara County District Attorney’s Office, which we have done. (Section 1097.1(c)(3).) We did not receive a written response from either entity. (Section 1097.1(c)(4).) We are also required to advise you that, for purposes of Section 1090, the following advice “is not admissible in a criminal proceeding against any individual other than the requestor.” (See Section 1097.1(c)(5).)

QUESTION

Does Supervisor Hartmann, who owns a real property parcel approximately 900 feet from the Las Flores underground crude oil pipeline owned by Sable Offshore Corporation (“Sable”), have a disqualifying financial interest in the County’s decisions regarding Sable’s application for a “Code 25B Permit Amendment” to transfer the existing permits to Sable as the owner, operator and guarantor, as detailed below, and the related litigation on this transfer decision?²

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

CONCLUSION

No. Supervisor Hartmann does not have a disqualifying financial interest in the County's decisions regarding Sable's application and the related litigation because it is not reasonably foreseeable that the decisions would have a material effect on the official's parcel's development potential, income producing potential, highest and best use, character, or market value.

Also, Supervisor Hartmann does not have a financial interest in the litigation of the application or a settlement thereof solely because she owns property near the pipelines. Barring additional facts, Section 1090 does not prohibit Supervisor Hartmann from making or participating in the approval of the change of operator, owner or guarantor and permit transfer litigation decisions, and any potential settlement agreement

FACTS AS PRESENTED BY REQUESTER

Supervisor Hartmann first took office as Third District Supervisor on January 3, 2017. Supervisor Hartmann's family residence is located on approximately 31 acres of land and is part of the Jonata Springs Ranch Homeowners Association. Jonata Springs Ranch is a private gated community that comprises 800 acres divided into 44 individual parcels of 20 acres or more.

The Las Flores Pipeline, "Line 903," is an underground crude oil pipeline that is currently owned by Sable Offshore Corporation ("Sable"). Line 903 runs the entire length of Santa Barbara County, including near Supervisor Hartmann's residence. Because of turns in the pipeline's layout, the distance from the closest points of Line 903 to the closest edge of Supervisor Hartmann's parcel is approximately 900 feet.³ The closest distance between Supervisor Hartmann's actual residence and Line 903 is approximately 1,040 feet.

Line 903 is part of the Las Flores Pipeline System, which includes Line 901 and has approximately 122 linear miles of crude oil pipeline that runs from the Gaviota Coast in the County to a delivery station in Kern County. The pipelines are part of a larger oil production infrastructure, including: 1) the onshore Santa Ynez Unit ("SYU") facilities, 2) the Pacific Offshore Pipeline Company ("POPCO") Gas Plant, and 3) the Las Flores Pipeline System. These three facilities are

² This advice exclusively concerns the County's decisions regarding the approval of changing the operator, owner, or guarantor and the administrative transfer of existing permits. It does not pertain to new permitting decisions, decisions made by other agencies with jurisdiction over the pipeline's restart, operation or safety, or any other litigation related to the Las Flores Pipeline.

³ You state that the exact location of the pipeline is uncertain, and that previous estimates of the distance between the pipeline and Supervisor Hartman's property have been incorrect. (See *Ghizzoni* Advice Letter, No. A-17-037.) Based upon the most current information available, including permitting data and aerial images of scars from construction, it is currently estimated that the closest edge of Supervisor Hartmann's parcel to Line 903 is approximately 900 feet, and the closest edge of Supervisor Hartmann's residence to Line 903 is approximately 1,040 feet. We caution that conclusions reached herein are limited to the information provided. If at any time there are indications that Line 903 is in fact closer to Supervisor Hartman's property than currently estimated, Supervisor Hartman should seek additional advice prior to any further involvement in decisions involving Line 903.

existing, operationally interrelated oil and gas facilities, permitted to operate under previously issued County Final Development Plan (“FDP”) Permits and Coastal Development Permits.

The onshore SYU facilities and POPCO Gas Plant are County-permitted facilities that treat crude oil and natural gas from offshore Platforms Hondo, Harmony, and Heritage in the Santa Barbara Channel. The County’s permitting jurisdiction is limited to the onshore SYU facilities and does not include the offshore platforms or offshore infrastructure. When operating, oil produced from the SYU is transported via the common-carrier Las Flores Pipeline System, a County permitted pipeline system. The County does not regulate the *operation* of either Line 901 or Line 903. But the County is the original permit-issuing authority for the pipeline and is responsible for considering changes in ownership or changes in the operation of the pipelines.

Sable Offshore Corporation (“Sable”) acquired the SYU from ExxonMobil Corporation on February 14, 2024, as well as the POPCO and Pacific Pipeline Company, the owners of the Gas Plant and the Las Flores Pipeline System, respectively.

On March 14, 2024, Sable submitted applications to the County’s Planning and Development Department for a “Code 25B Permit Amendment” to transfer the existing permits as follows:

- A Change of Owner, Operator and Guarantor of the onshore SYU facilities permit, No. 87-DP-32cz (RV06), from ExxonMobil Corporation to Sable;
- A Change of Operator and Guarantor of the POPCO Gas Plant permit, No. 93- FDP-015 (AM03), from ExxonMobil Corporation to Sable; and
- A Change of Operator and Guarantor of the Las Flores Pipeline System permit, No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01)(88-DPF-25cz;85-DP-66cz; 83-DP-25cz), from ExxonMobil Pipeline Company to Sable (Operator), and ExxonMobil Corporation to Sable (Guarantor).

The Planning Commission recommended approval of the permit transfers. Appeals were filed for consideration by the Board of Supervisors at its February 25, 2025 meeting. The appeals raised issues regarding Sable’s ability to operate the facilities, its financial capabilities, compliance with permits, and whether the permit transfers are subject to CEQA. They also questioned the County’s actions to ensure that safety standards were met and whether new or revised development plans, conditional use permits, and coastal development permits could be required by the County. The Planning Commission, in its letter to the Board of Supervisors regarding this decision, noted in many instances that the appeal issues were outside the scope of the 25B Permit Amendment process.

For example, the Planning Commission stated that “Processing the Chapter 25B Permit Amendment requests is an administrative action that would not result in any direct or indirect physical changes to the environment. ... the actions are for the administrative transfer of County permits to a new Owner, Guarantor, and Operator only.” The Planning Commission noted that “the

County has historically considered all previously processed 25B Permit Amendments to not constitute as a 'project' [subject to CEQA]." The letter further explained that "Restart of the facilities is not a part of the Chapter 25B Permit Amendment process, nor would the transfer of permits facilitate restart. The three existing facilities are already permitted to operate under each issued Final Development Plan permit." Staff noted that Sable's application for the transfer are consistent with the requirements of findings "regarding the operator's technical capabilities, staffing, safety, and incident records."

The Board voted 2-2 on the matter, and no action was taken. Supervisor Hartmann recused herself from the matter and did not participate in the discussion or vote. As a result of the tie vote, Sable requested reconsideration of the Board's action and has filed a writ of mandate to compel the County to transfer the permits as approved by the Planning Commission.

Line 903 traverses four of the County's nine groundwater basins and four of the County's Groundwater Sustainability Agencies ("GSA"). Supervisor Hartmann's property is located in a Groundwater Basin Central Management Area ("CMA"), governed by the Santa Ynez River Valley Groundwater Basin CMA GSA under a Groundwater Sustainability Plan. Her property gets its water service from the Bobcat Springs Mutual Water Company ("Bobcat MWC"), which provides potable water service to approximately 47 connections and a population of 120, relying on 2 extraction wells as its sole source of water supply. There are 3 retail water agencies servicing the CMA, including the City of Buellton (with 1,836 connections serving a population of 5,464), Bobcat MWC, and Mesa Hills MWC (with 36 connections serving a population of 54), and one wholesale water agency the Central Coast Water Authority. There are also three small-scale water purveyors for the CMA, serving 16 or fewer connections, including the Jonata Homeowners Association, the North Buellton Hills Water Works, and the Hager MWC. In addition, there are approximately 255 groundwater wells, of which 125 are domestic or municipal wells, in the CMA.

In 2015, Line 901 ruptured and released more than 100,000 gallons of crude oil onshore, along the Gaviota Coast area of the County. A federal agency, the Pipeline and Hazardous Materials Safety Administration, issued a series of Corrective Action Orders concerning the Line 901 and Line 903 pipelines. As part of this action, the Pipeline System was shut down, purged and filled with inert gas. All corrective actions are to be completed prior to the restart of the pipelines. The Pipeline System is classified as "active" but remains out of service while the owner/operator works to fulfill the requirements for the safe operation of the pipelines. As noted above, the County has no jurisdiction over the pipeline operations, and the Office of State Fire Marshall ("OSFM") is the regulatory authority responsible for the safety oversight of the pipelines.

ANALYSIS

The Act

Section 87100 prohibits any public official from making, participating in making, or otherwise using their official position to influence a governmental decision in which the official has a financial interest. A public official has a "financial interest" in a governmental decision, within the meaning of the Act, if it is reasonably foreseeable that the decision will have a material financial

effect, distinguishable from its effect on the public generally, on one or more of the public official's interests. (Section 87103; Regulation 18700(a).) Section 87103 defines "financial interests" to include, relevant to these facts, an interest in real property in which the official has a direct or indirect interest of \$2,000 or more. (Section 87103(b).)

Supervisor Hartmann has a real property interest in her 31-acre residential parcel located in Jonata Springs Ranch. We examine whether it is reasonably foreseeable that the County's decisions on Sable's application or on the related litigation (the writ of mandate to compel the County's action) will have a material financial effect on her real property.

Foreseeability & Materiality

Regulation 18701(a) states that an effect on an interest is presumed foreseeable if the interest is explicitly involved in the decision. An interest is explicitly involved if it is a named party in, or subject of, the decision. Regulation 18701(a) states that a financial interest is "the subject of" a proceeding under certain criteria, including where the decision affects a real property financial interest as described in the regulation setting forth the real property materiality standard, Regulation 18702.2, items (a)(1)-(6).⁴ Where an official's economic interest is not explicitly involved in the governmental decision, as we have here, the applicable standard for determining the foreseeability of a financial effect on the economic interest is found in Regulation 18701(b). It states, "if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official's control, it is not reasonably foreseeable."

Relevant to a government decision involving property located more than 500 feet but less than 1,000 feet from the official's parcel, Regulation 18702.2(a)(8) states that the reasonably foreseeable financial effect of a decision on the official's parcel is material if the decision would change the official's parcel's development potential, income producing potential, highest and best use; character (by substantially altering traffic levels, the intensity of use, parking, view, privacy, noise levels, or air quality), or its market value.

At issue is the administrative transfer of existing permits to Sable, the new owner and operator. The County's decisions do not relate to safety or repairs of the pipeline, part of which is located within 900 feet of Supervisor Harmann's property. Nor do the County's decisions involve impacts to groundwater that serves her property. State and federal agencies have jurisdiction and intervening review over the restart, operation, and safety of the pipeline, and the County's decisions do not relate to the restart or operation of the pipeline. As stated in the Planning Commission's letter to the Board of Supervisors, restarting the pipeline is not a part of the County's decisions, and

⁴ Regulation 18702.2(a)(6) states that an official's property is the "subject of a decision" where that decision involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the [official's] parcel will receive new or improved services that provide a benefit or detriment disproportionate to other properties receiving the services. However, this decision does not involve any construction or improvements to the pipeline at issue.

the three existing facilities are already permitted to operate under the existing FDP permits. The decision would transfer the existing permits to Sable, the new owner and operator. As a result, the facts do not indicate that it is reasonably foreseeable that the County's decisions at issue would change the official's parcel's development potential, income producing potential, highest and best use, character, or market value, and Supervisor Hartmann does not have a disqualifying interest in the decision.

Similarly, there is no indication that litigation on the County's ownership/transfer permits issue will impact the above factors regarding Supervisor Harman's property solely because it is located 900 feet from the Line 903 pipeline. Based upon the facts presented and the limited nature of the decision subject to litigation, it is not reasonably foreseeable that the litigation decisions would have a material financial effect on the official's property. Supervisor Hartmann does not have a disqualifying interest in the County's litigation decisions on this issue.

Section 1090

Section 1090 generally prohibits public officers, while acting in their official capacities, from making contracts in which they are financially interested. Section 1090 is concerned with financial interests, other than remote or minimal interests, that prevent public officials from exercising absolute loyalty and undivided allegiance in furthering the best interests of their agencies. (*Stigall v. City of Taft* (1962) 58 Cal.2d 565, 569.) Section 1090 is intended not only to strike at actual impropriety but also to strike at the appearance of impropriety. (*City of Imperial Beach v. Bailey* (1980) 103 Cal.App.3d 191, 197.)

Under Section 1090, the prohibited act is the making of a contract in which the official has a financial interest. (*People v. Honig* (1996) 48 Cal.App.4th 289, 333.) A contract that violates Section 1090 is void. (*Thomson v. Call* (1985) 38 Cal.3d 633, 646.) The prohibition applies regardless of whether the terms of the contract are fair and equitable to all parties. (*Id.* at pp. 646-649.) Importantly, when Section 1090 applies to one member of a governing body of a public entity, the prohibition cannot be avoided by having the interested board member abstain. Instead, the entire governing body is typically precluded from entering into the contract. (*Id.*, see also *Stigall v. City of Taft*, *supra*, at p. 569; 86 Ops.Cal.Atty.Gen. 138, 139 (2003); 70 Ops.Cal.Atty.Gen. 45, 48 (1987).)

Section 1090 reaches beyond the officials who actually execute the contract. Officials who participate in any way in the making of the contract are also covered by Section 1090. Participation in the making of a contract has been broadly defined by the courts as any act involving preliminary discussions, negotiations, compromises, reasoning, planning, drawing of plans and specifications, and solicitation for bids. (*Millbrae Assn. for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237; see also *Stigall v. Taft* (*supra*).)

If this litigation results in a settlement agreement, the County Board of Supervisors will participate in the agreement. Section 1090 prohibits any Board member from participating in litigation decisions or negotiations where they have a financial interest in the decision. However, an official has a financial interest in a contract only when there is a sufficient connection between the

contract in question and the interest held by the official. In this matter, Supervisor Hartmann does not have a financial interest in the litigation or a settlement thereof solely because she owns property near the Line 903 pipeline. Barring additional facts, Section 1090 does not prohibit Supervisor Hartmann from making or participating in a settlement agreement to resolve this litigation.

If you have other questions on this matter, please contact me at KHarrison@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

L. Karen Harrison

By: L. Karen Harrison
Senior Counsel, Legal Division

KH:aja

EXHIBIT 2



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
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April 27, 2016

Michael C. Ghizzoni
County Counsel
County of Santa Barbara
105 E. Anapamu Street, Suite 201
Santa Barbara, CA 93101

Re: Your Request for Advice
Our File No. A-17-037

Dear Mr. Ghizzoni:

This letter responds to your request for advice regarding the conflict of interest provisions of the Political Reform Act (the "Act") and Section 1090.¹ Please note that we do not advise on any other area of law, including Public Contract Code or common law conflicts of interest. We are also not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate.

In regard to our advice on Section 1090, we are required to forward your request and all pertinent facts relating to the request to the Attorney General's Office and the Santa Barbara County District Attorney's Office, which we have done. (Section 1097.1(c)(3).) We did not receive a written response from either entity. (Section 1097.1(c)(4).) We are also required to advise you that, for purposes of Section 1090, the following advice "is not admissible in a criminal proceeding against any individual other than the requestor." (See Section 1097.1(c)(5).)

QUESTION

Is Supervisor Hartman, who has property approximately 50 feet from a company's underground oil pipelines, disqualified from taking part in county decisions regarding the company's permits necessary for inspection and remediation activities under federal corrective action orders or litigation against the company, including settlement agreements, resulting from a 2015 oil spill?

CONCLUSION

Notwithstanding property approximately 50 feet from a company's underground oil pipelines, Supervisor Hartman is not prohibited from taking part in the decisions in question under either the Act or Section 1090. The effect of a decision concerning repair or maintenance of the

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

pipelines is not material under applicable conflict regulations, and with respect to Section 1090, the Supervisor does not have a financial interest in the potential contracts.

FACTS

You are the County Counsel for Santa Barbara County and seek advice on behalf of Santa Barbara County Third District Supervisor Joan Hartmann. Supervisor Hartman took office on January 3, 2017, and resides in the County on 31 acres of property owned by her family. Supervisor Hartman's district includes the Gaviota Coast as well as two underground crude oil pipelines operated by Plains Pipeline, Line 903 and Line 901.

Line 903 is a 30-inch diameter pipeline, about 129.5 miles long, that carries all of Line 901's crude-oil, generally south to north, through the entire length of Santa Barbara County, and then into Kern County. Line 903 runs near Supervisor Hartmann's residence. At its closest point, Line 903 is approximately 50 feet from the 31-acre parcel. The distance between the parcel and the pipeline, however, ranges up to 1,000 feet due to the pipeline's layout. The closest distance between the pipeline and the actual residence is about 750 feet.

Line 901 is a 24-inch diameter pipeline, about 10.6 miles long, that transports crude oil, east to west, along the Gaviota Coast. On May 19, 2015, Line 901 pipeline released more than 100,000 gallons of crude oil onshore, along the Gaviota Coast area of Santa Barbara County. A substantial portion of the oil flowed into the Pacific Ocean. Operations to remove the oil have largely been completed, but monitoring for "recoiling" is still ongoing along part of the coast. Additionally, beginning on May 21, 2015, the federal Pipeline and Hazardous Materials Safety Administration issued a series of Corrective Action Orders to Plains, concerning Lines 901 and 903.

Santa Barbara County does not regulate the operation of either Line 901 or Line 903. But, Santa Barbara County is the permit-issuing authority for activities such as excavation, backfill, and restoration that are associated with the pipeline inspection and remediation actions directed by Corrective Action Orders to Plains. Santa Barbara County has also recovered from Plains about \$1.9 million for the County's increased costs of public services from the May 2015 oil spill and is a potential litigant against Plains for any other County losses from the oil spill that Plains does not pay voluntarily.

ANALYSIS

Political Reform Act

Section 87100 prohibits any public official from making, participating in making, or using his or her position to influence a governmental decision in which the official has a financial interest. (Section 87103.) A conflict of interest may arise only when the reasonably foreseeable financial effect of a governmental decision on a public official's interests is material. Different standards apply to determine whether a reasonably foreseeable financial effect on an interest will be material depending on the nature of the interest. Interests from which a conflict of interest may arise are defined in Section 87103.

Under Sections 82033 and 87103(b), an official has an interest in any real property owned directly, indirectly, or beneficially by the public official, or his or her immediate family, if the interest has a fair market value of \$2,000 or more. Based upon the facts provided, the only interest identified is Supervisor Hartman's interest in her residence. Accordingly, we must determine whether there is a foreseeable and material financial effect on the Supervisor's real property interest from decisions regarding permits for inspection and remediation actions involving the pipeline or litigation involving the 2015 oil spill.

Generally, a financial effect is presumed to be reasonably foreseeable if the interest is a named party in, or the subject of, a governmental decision before the official or the official's agency. (Regulation 18701(a).) If the interest is "not explicitly involved" in the decision, a financial effect is reasonably foreseeable if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. A financial effect need not be likely to be considered reasonably foreseeable. (Regulation 18701(b).) Different standards apply to determine whether a reasonably foreseeable financial effect on an interest will be material depending on the nature of the interest. (Regulation 18702.) The materiality standards for any particular interest are provided in Regulations 18702.1 through 18702.5.

Based upon the facts provided, Supervisor Hartman's residence is not explicitly involved in the decisions in question and a financial effect is reasonably foreseeable only if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. For properties not explicitly involved in the decisions, Regulation 18702.2(a) provides a list of circumstances under which a reasonably foreseeable effect on the interests is material. As most pertinent to the facts provided, a foreseeable effect will be material if the decisions:

"(6) Involves the construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities...

[¶]...[¶]

"(10) Would change the character of the parcel of real property by substantially altering traffic levels or intensity of use, including parking, of property surrounding the official's real property parcel, the view, privacy, noise levels, or air quality, including odors, or any other factors that would affect the market value of the real property parcel in which the official has a financial interest;

"(11) Would consider any decision affecting real property value located within 500 feet of the property line of the official's real property...

"(12) Would cause a reasonably prudent person, using due care and consideration under the circumstances, to believe that the governmental decision was of such a nature that its reasonably foreseeable effect would influence the market value of the official's property."

Permits for Inspection and Remediation Actions Involving the Pipeline

Despite the materiality standards set forth above or the fact that work involving the pipelines may involve property within 500 feet of Supervisor Hartman's real property, Regulation 18702.2(c)(1) provides that a financial effect of a decision is not material if the decision "solely concerns repairs, replacement or maintenance of existing streets, water, sewer, storm drainage or similar facilities. While you have not identified any specific permit applied for by Plains, we can generally conclude that permits for inspections and remediation activities directed by Corrective Action Orders to Plains, concern repairs, replacement or maintenance of existing facilities that fall within the exception of 18702.2(c)(1) and the effect of the permit decisions on Supervisor Hartman's property interest is not material.

Litigation Against Plains for 2015 Oil Spill

There is no indication that litigation against Plains for the County's losses will change the character of the Supervisor Hartman's Property or the market value of the property solely because the property is located near the pipelines. Based upon the facts provided, there is no reasonably foreseeable material effect on the property from decisions involving the litigation.

Section 1090

Under Section 1090, "the prohibited act is the making of a contract in which the official has a financial interest." (*People v. Honig* (1996) 48 Cal.App.4th 289, 333.) A contract that violates Section 1090 is void, regardless of whether the terms of the contract are fair and equitable to all parties. (*Thomson v. Call* (1985) 38 Cal.3d 633, 646-649.) When Section 1090 is applicable to one member of a governing body of a public entity, the prohibition cannot be avoided by having the interested board member abstain; the entire governing body is precluded from entering into the contract. (*Id.* at pp. 647-649.)

We employ a six-step analysis to determine whether an official has a disqualifying conflict of interest under Section 1090. These steps are: (1) does the matter involve a public officer or employee; (2) does the matter involve a contract; (3) is the official making or participating in making a contract; (4) does the official have a financial interest in the contract; (5) does a remote or noninterest exception apply; and, under appropriate facts, (6) does the rule of necessity apply?

In this case, the only step at issue is Step Four, does the official have a financial interest in the contract. Although Section 1090 does not specifically define "financial interest," the term has been liberally interpreted. (See *People v. Deysher* (1934) 2 Cal.2d 141, 146.) "The government's right to the absolute, undivided allegiance of a public officer is diminished as effectively where the officer acts with a hope of personal financial gain as where he acts with certainty." (*People v. Gnass* (2002) 101 Cal.App.4th 1271, 1298 (citations omitted).)

The potential contracts you have identified include permits for Plains necessary for inspection and remediation actions involving the pipelines and any settlement agreements reached while negotiating potential litigation against Plains for the 2015 oil spill.

Nonetheless, an official has a financial interest in a contract only when there is a sufficient connection between the contract in question and interest held by the official. In this matter, Supervisor Hartman does not have financial interest in permits for Plains or contracts resulting from the litigation against Plains for the 2015 oil spill solely because she owns property near the pipelines. Barring additional facts, Section 1090 does not prohibit Supervisor Hartman from making or participating in the potential contracts identified.

If you have other questions on this matter, please contact me at (916) 322-5660.

Sincerely,

Hyla P. Wagner
General Counsel



By: Brian G. Lau
Senior Counsel, Legal Division

BGL:jgl

EXHIBIT 3

1 [00:05:00]

2 [00:10:00]

3 [00:15:00]

4 [00:20:00]

5 [00:25:00]

6 CHAIR CAPS: Oh, good job, everybody. Nice to see everyone here.

7 My name is Laura Caps, and it's my pleasure to call to order the

8 February 25th 2025 meeting of the Santa Barbara County Board of

9 Supervisors hearing. Madam Clerk, please call the role.

10 CLERK: Supervisor Lee.

11 MR. LEE: Here.

12 CLERK: Supervisor Hartman.

13 MS. HARTMAN: Here.

14 CLERK: Supervisor Nelson?

15 CLERK: And Supervisor Nelson's participating remotely from DC.

16 MR. NELSON: Here.

17 CHAIR CAPS: Oh, there you are. Great, thank you, and Supervisor

18 [PH 00:29:24] Lavanino.

19 MR. LAVAGNINO: Here.

20 CLERK: And Chair Caps?

21 CHAIR CAPS: Here.

22 CLERK: At this time, please, join me in Pledge of Allegiance.

23 Ready to begin.

24

25

1 great Donald Trump as President, and he is the greatest President we
2 have ever seen, we're going to see that also in our county. We are
3 part of the country. We're not our own little

4 [00:55:00]

5 planet out in the middle of the ocean. We are part of the United
6 States. Thank you.

7 CLERK: And has any of the members of the public whose names I
8 had announced earlier make their way here? Jacqueline Inda, Stephanie
9 Caterers, Hailey Rowan, Ruth Hyler, are any of those members of the
10 public here? I will assume they have... oh.

11 HAILEY ROWAN: This is Hailey Rowan, and I'd like to speak on the
12 Sable topic as well. Thank you.

13 CLERK: Thank you. All righty, with that, Chair Caps and members
14 of the board, I believe we can safely assume those members of the
15 public have left or will be speaking at a later time.

16 CHAIR CAPS: Thank you to our public, and it's confusing to know
17 exactly when is the right time to speak. So, we got through that. So,
18 anyway, now, that moves us to item number one, Sable Offshore
19 Corporation Appeals. Madam Clerk, will you please read departmental
20 item into the record and... Supervisor Hartman?

21
22 MS. HARTMAN: Yeah, before she does that, I must recuse the
23 pipeline runs through the northeast corner of my property. So, I am
24 affected differently than the general members of the public and can't
25 influence my fellow board members.

1 CHAIR CAPS: Yeah. I understand, thanks.

2 CLERK: I'm waiting on something. Chair Caps and members of the
3 board, departmental item number one is from the Planning and
4 Development Department. It is a hearing to consider recommendations
5 regarding the appeals of the planning commission approval of the Sable
6 Offshore Corporation's change of owner operator and guarantor for the
7 Santa Ynez Unit, Pacific Offshore Pipeline Company Gas Plant and Los
8 Flores Pipeline System, final development plan permits, and this is in
9 the third, fourth, and fifth districts, and I am waiting for a document
10 from my staff on late items that need to be voted into the record. We
11 had quite a few emails come in late last night. So, they are
12 finalizing that. So, perhaps we can begin staff's presentation, and
13 then vote items into the record.

14 CHAIR CAPS: Or ex parte?

15 CLERK: Or ex parte. Great, thank you.

16 CHAIR CAPS: Yeah, let's... would you like? Okay, at this moment,
17 because this is a quasi-judicial hearing, that means myself and my
18 colleagues need to disclose ex parte conversations that we've had
19 leading up until this department item. Supervisor Lee, would you like
20 to go first?

21 MR. LEE: Thank you, Chair Caps, I'll go first. On January 28th,
22 2025, I met with the EDC to discuss Sable. On February 6th, 2025, I
23 also met with EDC to discuss Sable as well. On February 12th, I met
24 with Sable representatives to talk about the oil pipeline. On February
25 20th, I met with Sierra Club to talk about Sable, and on February 20th,

1 the permit transfers subject to the conditions of approval. That
2 concludes staff's presentation, and we are happy to take questions.
3 Thank you.

4 CHAIR CAPS: Thank you, Ms. Ibarra. Any questions from the board
5 at this point? Supervisor Lee?

6 MR. LEE: Just a question. So, who pays an event that insurance
7 company cannot... that insurance cannot cover the total cost of a spill?

8 MS. IBARRA: So, Supervisor Lee, through the chair, if insurance
9 can't cover the cost of an oil spill, there's other protections in
10 place. There are certain state and federal laws that allow certain
11 pools of other funds to be pulled from. Yeah, do you have anything to
12 add to that?

13 MR. LEE: I'll clarify. Do we pay? Does the county pay, the
14 taxpayers?

15 MS. IBARRA: I don't believe so, no.

16 MR. LEE: Got it.

17 CHAIR CAPS: Other questions from the board? Supervisor Nelson?

18 MR. NELSON: Yeah, thank you. The pool of funds that you're
19 talking about, those are funds that are... that all oil companies pay
20 into to cover kind of as a kind of a self-insurance among the oil
21 industry. Is that kind how that works?

22 MS. IBARRA: Supervisor Nelson, through the chair, that's
23 correct. That's my understanding.

24 MR. NELSON: Okay. So, I think that's helpful for the board and
25 the public, and if we go back to that last slide for a minute, I just

1 I believe it was in December, the State Farm Marshal granted a waiver
2 for cathodic protection, and within that waiver, there are even more
3 requirements that Sable needs to meet in order to essentially address
4 the lack of cathodic protection in the system, and it requires more
5 frequent inspections of the line, more rigorous testing, hydro testing
6 prior to restart, all kinds of safety related features that have been
7 incorporated into that waiver, and so, that kind of provides a little
8 context on the regulatory side.

9 CHAIR CAPS: But that's not the role of the county to provide
10 those. So, I said, I have... I'm toggling a little bit between two
11 categories. I have deep concerns about safety. I have deep concerns
12 about financial stability.

13 MR. BRIGGS: So, bringing that discussion back locally, the
14 county, we do have what we call the system Safety, Reliability, and
15 Review Committee, and operators who operate onshore facilities that are
16 processing oil and gas from offshore are required to go through the
17 safety committee, and that includes P&D, our petroleum engineer, the
18 fire department, APCD, and other county departments where we all look
19 at the facility holistically and make sure that, as they are either
20 restarting or in operation, that all of the federal safety related
21 requirements are being met. I mean, it's a very rigorous review, and
22 we're going through that with them right now, and that's an ongoing
23 process that would basically prepare them for restart, and then also,
24 provide for our annual oversight, as we move forward.

25

1 MR. FRANKEL: So, we disagree with the basic presumption that the
2 Fire Marshal makes, that this pipeline can be made as safe or safer
3 than, if it had effective cathodic protection. These inspections are
4 unreliable. You're just trying to track down corrosion and put band-
5 aids on the pipeline. We don't think that it's as safe as proactively
6 preventing corrosion in the first place. Yes, we disagree. What, you
7 know, our options to...

8 MR. LAVAGNINO: I don't want to interrupt you, but I think this
9 is really important for everybody right now. For me, if I'm getting
10 this, is that I'm not... I think what everybody's worried about is we
11 start up, the pipeline fails, and I'm looking at this as this isn't
12 something we're regulating. The person that is signing off on this
13 somehow is not in this room. Everybody here expects us to... that we're
14 basically the deciding body on this, which we are not, and, you know,
15 the issue that we're talking about today is so divorced from what we're
16 on, but that's what everybody's worried about. So, we got to talk
17 about it is what everybody's worried about is that the pipeline fails,
18 and what are we going to do about it, and the reality is, if you have
19 information that says that that's what the state Fire Marshal is
20 signing off on is inaccurate and unscientific, then I'm trying to
21 figure out at what public forum do we get at that? Because...

22 MS. CROP: Right. Yeah, thank you. So, unfortunately, the Fire
23 Marshal did not solicit public input or expert input. So, we sent a
24 letter to the Fire Marshal last fall explaining that we believe that
25 they had to conduct public and environmental review and hold a formal

1 spill was out of Bakersfield. They did not have spill response plans
2 on the coast. So, we've doubled up the spill response on the coast,
3 and we did an analysis and submitted to the Fire Marshal, which shows
4 that, and this is the plan that was rejected, that actually reduces the
5 spill... the amount of oil to water down to less than 400 barrels. So,
6 there's been significant work done on that pipeline, and all the safety
7 valves are installed, ready to go, as we gear up towards restart here.
8 So the claims that there's some greater spill potential is absolutely
9 false, and the Fire Marshal has reviewed that plan, and it's available
10 for review by the county, and the county has a plan.

11 MR. NELSON: Mr. Rush, if I could continue, one of my other
12 questions was just trying to compare what was back in 2014 until now,
13 you know, at that time, my understanding is we had two assets out
14 there. We had a pipeline and a plant, two different ownerships, right?
15 Now, moving forward, it's under a common ownership. What does that
16 look like, and does that end up helping or hurting the future and the
17 potential for spills?

18 MR. RUSCH: Yes, Supervisor Nelson, Madam Chair, absolutely,
19 right. We now own the pipeline and the offshore facilities and the
20 onshore facility. So, we have a direct interest in ensuring our aorta,
21 our pipeline going out of Las Flores Canyon operates as, you know, as
22 safely as possible and does not leak. We have direct interest in that.
23 Prior to that, you had a separate company owning that pipeline, one of
24 many pipelines they own in the entire United States, and it was not
25 probably as high a priority as some other places. This is our number

1 would assume then county counsel reviewed it and realized maybe there
2 were parts of it that possibly were illegal. A woman asked today, and
3 I think she summed up the thoughts of so many today, was she's asking
4 us, rhetorically, do you stand with the people, or do you stand with
5 big business, and in my mind, I realized that's when I came to the
6 conclusion that I'm not on either side. We have to stand by the law.
7 This pipeline was legally permitted, and as we heard, and in any other
8 county, this change of ownership would've been a simple checklist
9 signed off by the Fire Department. So, the reason why you're here
10 today and so passionate is because the actual regulating agencies that
11 have jurisdiction have basically ducked their responsibilities, and
12 they will not hold a public meeting and let you have... vent your
13 frustrations. So, unless there's an organization that I'm waiting for
14 that wants to step up and indemnify the county against the lawsuit, I
15 will be absolutely supporting the planning commission and our staff
16 recommendation.

17 CHAIR CAPS: Thank you, supervisor Lavanino. Supervisor Lee?

18 MR. LEE: Thank you. Thank you, chair. When I came in this
19 morning, around 7:00, I saw hundreds of people were outside. So, I
20 want to say thank you for being patient and being here and sitting
21 through this. My takeaway of all this is: we have a pipeline that
22 leaked in 2015, that devastated our environment, our coastline,
23 economy, and killed so many wildlife, and we want to restart it. To
24 me, that's an insane idea. That's a very bad idea, but yet, we are
25 having this conversation right now. After considering listening to the

1 appellant and Sable and listening to the public, and I came to conclude
2 that I support upholding the appeals, because that's the right thing to
3 do, and that's where I'm at. Thanks.

4 CHAIR CAPS: Thank you, Supervisor Lee. Supervisor Nelson, would
5 you like to go next?

6 MR. NELSON: Yeah, thank you. Thank you, Chair Caps. I
7 appreciate the opportunity, and I want to thank the public too, and I
8 just want to let sure everybody in the room understands that I have
9 this meeting in Washington DC on behalf of the county scheduled before
10 this hearing. I would've loved to be there in person, and I wanted to
11 thank all the staff and my colleagues and the public for braving a long
12 day that's not quite over yet. The first point that I wanted to make...
13 to focus in on was the idea of this sometime legislative intent for Mr.
14 Day. You know, legislative intent doesn't go down to the staff member
15 that writes the ordinance. It's the first draft that goes to the
16 board, and the board deliberates, and then we give board legal
17 opinions, and then we talk among each other, and then we, as a body,
18 elected body by the citizens or the voters of Sambar County, we're the
19 ones that have the legislative intent there. So, you know, that whole
20 issue there and from Mr. Day, you know, just didn't hold water for me
21 on what 25B is maybe supposed to mean, or what it was intended to mean.

22 [07:15:00]

23 The other issue that I have, I'm concerned about is the Coastal
24 Commission. I think we all in the room don't always agree with
25 agencies. You know, I might disagree with the state agency. I'm sure

1 there's people in the room that might be disagreeing with some federal
2 agencies, and sometimes, they get it wrong, and I think that this is
3 the case here, both Coastal Commission, and I think if they truly
4 believe that they needed a permit, that they would've taken Sable to
5 court by now to stop, get a stay in place, but I do think this has
6 gotten political. It's not the first time the Coastal Commission's
7 gotten political. They got politically recently with Vandenberg Space
8 Force Base, and this is unfortunately another black eye. I feel bad
9 for most of the speakers who have been here, and they were told that
10 today, well, that the decision will impact the restart. I have to bury
11 the lead. It won't. No matter what happens here, the decision here
12 won't make that difference. This is political theater, and in some
13 cases, gaslighting. It's asking me to think that many of the young
14 people that showed up will believe that their government doesn't care
15 or didn't listen to them. This is about politics, not the environment.
16 This is about the dislike of oil, not law and science. If it was
17 really about the environment, we would've seen people come out in
18 droves a year ago when we had untreated sewage, ten times the amount of
19 the Refugio oil spill, spill into the Pacific Ocean, and it barely made
20 a week's worth of news. This is about oil. The appellants don't care
21 about the liability. This is subterfuge. They opposed the trucking.
22 They opposed a new pipeline, they even opposed safety valves, and now,
23 they're opposing the transfer of a name on a permit. They will stop at
24 nothing for the restart of the oil operations, and for me, that sounds
25 a lot more like religion and politics than law and science. For me,

1 I'm compelled by the engineers and the scientists and the legal experts
2 at the county, at the state, and the federal government, and I will
3 support the [PH 07:17:09] PC and the staff recommendations to deny the
4 appeal and approve the transfer of the permit.

5 CHAIR CAPS: Okay, thank you. Like Supervisor Lavanino, I was a
6 little kid after the oil spill of 1969, and it's actually the reason
7 why I went into a world of politics and advocacy. It was the first
8 issue that really struck me. My parents were very engaged, would take
9 me to early rallies, early days of Goo, and all of the activism that
10 sprouted up, and obviously, the birth birthplace of Earth Day. So, I
11 just have to say that I really appreciate how everyone's hung in here
12 today in such, again, such a conducive, collaborative way of respect.
13 I mean, this was a marathon, and I have to say too, I'm so proud of
14 UCSB and our gauchos for showing up in such force. I had no idea. I
15 mean, I shouldn't be surprised, but they just one after one after one
16 really putting your future where your heart is by speaking so
17 eloquently, and by being here and being so dedicated. So, thank you.
18 It's an honor to represent you. It really is, and it has been stated.
19 This is our one shot. I agree. I do agree with my colleagues, even
20 though I'm not going to vote with them, this is not fair to the public
21 that this is the one shot that you've all had here in Santa Barbara,
22 where we experienced a devastating spill in 2015, and this is what you
23 get, a technicality on a permit change for a hearing, because there's
24 so many layers. It's designed to be completely confusing. It's
25 designed to be completely in favor of big interests, big, powerful

1 interests with lobbyists and influence, so that we don't know why
2 things are being decided the way they are. We don't know why things
3 are not moving forward. This was this one chance, and it's extremely...
4 I agree with you. It shouldn't be... it's not fair for some folks to
5 walk out of here and think, okay, we stopped the pipeline, or we
6 started the pipeline. That is not what we're doing here, and that is
7 completely unfair. But there are too... so, even within the narrow
8 confines of what we're actually doing here, there are too many red
9 flags, because we are, this is about fiscal oversight, and we do sit up
10 here with a fiscal responsibility of a budget of \$1.6 billion annually,
11 and to me, it's too risky to have an applicant that was formed when a
12 major company decided that having this pipeline was potentially too
13 risky. So, then it's just too, it's just... as I said earlier, it's
14 fishy to me

15 [07:20:00]

16 that you would sell a pipeline to a new company that doesn't have
17 the funds for it, and again, maybe this is extremely common, but it
18 doesn't pass my smell test, and then loan them the money. If they had
19 wanted to show the insurance policy, they could have, and so much has
20 been made over the last several months about this policy. Why not just
21 show it? Why not just go above and beyond the checklist? That is
22 another red flag for me. Compliance with the Coastal Commission is
23 another red flag for me. Why have a cease and desist? Why not just
24 cooperate with this governing body? So, really, what we're looking at
25 is fiscal stability. That's what we're charged with trying to do, and

1 there are far too many flags. It was said by Mr. Day, in his
2 interpretation of the ordinance that he wrote, that it's a gamble.
3 This was not meant to be toothless. Our job, I get the tension of what
4 we're being asked to do, but I do feel I was elected to look at the big
5 picture and to extrapolate of what we're actually doing here, and I
6 cannot, in good faith, say that this transfer gives me reassurance of
7 fiscal stability. So, I will be voting to uphold the appeal. So,
8 let's do a roll call vote. A motion. So, I would need a motion from
9 somebody.

10 MR. LAVAGNINO: Well, this is going to be weird.

11 CHAIR CAPS: We can just do two.

12 MR. LAVAGNINO: Yeah. Okay. Why don't you guys do your
13 questions?

14 CHAIR CAPS: Wait, well, I'll go [INDISCERNIBLE 07:21:37].

15 MR. LAVAGNINO: Yeah, because I'm trying to find the language.

16 CHAIR CAPS: I could make a motion. Thank you. We have our
17 most...

18 MR. LAVAGNINO: Yes. All right, I will move staff
19 recommendations A through D.

20 MR. NELSON: I will second that motion.

21 CHAIR CAPS: So, then, Madam Clerk, when you're ready, we'll do a
22 roll call vote.

23 MR. LAVAGNINO: Pins and needles.

24 CLERK: Supervisor Lee?

25 MR. LEE: No.

EXHIBIT 4

[00:12:00]

JOSH MOLINA: Next question.

JERRY ROBERTS: Yeah, we could spend the whole time talking about housing, obviously, but--

SUPERVISOR JOAN HARTMANN: Sure could.

JERRY ROBERTS: -- I do want to ask you a little bit about oil. We had this controversy about Exxon Mobil wanting to get the pipeline going again, and that ended up as a two-to-two vote because you recused yourself. And your opponent or one of your opponents is alleging that you made that all up about the pipeline running by your property. And I know you've got some documents on that. I just wanted to give you a chance to respond because he did raise that question.

SUPERVISOR JOAN HARTMANN: Yes. I thank you so much for allowing me to address that. And I sent you a map. It's on the Jonata Springs website, homeowner association, if others want to look where the pipeline comes. It actually abuts the northeast corner of my property. And so, there are rules about conflict of interest. If you are affected in a different way than other members of the community, then you have to recuse if that project is within 500 feet of your house. Well, it's actually either adjacent, abutting or even cutting across my property. So, we've got the FPPC rules. I also got a County Council opinion and was advised that I have a conflict of interest. If I voted on that project, then that vote could be challenged, and we'd have to undo the action. Moreover, I could suffer personal sanctions and penalties as a result. Conflict of interest is a very important concept for public servants. We can't come to office and use it to serve our own personal needs and interests, and anybody who wants to be a public servant must understand that principle.

JERRY ROBERTS: All right. I'm glad we got a chance for you to put that on the record, but let me ask you more broadly, and this is a little bit of a hypothetical. But assuming the pipeline wasn't by your property, I'm going to take a wild guess and say you probably would've voted against it, only to say, there has been a majority, a three-to-two majority, that's generally, quote, unquote, anti-oil. Mr. [PH 00:14:40] Trice has indicated that he would like to reopen that, and that seems, to me, to be rather a large issue in this race, in the 3rd District race, about how the Board goes on oil issues in general. Is that a correct reading, and could you talk about that a little bit?

[00:15:00]

SUPERVISOR JOAN HARTMANN: Sure. Well, I think there have been several -- I have not gotten involved in the pipeline issues. I can't even be in the room. There have been several votes on the pipeline. And, I think, one, there was a majority in favor, but, sorry, I don't even remember what the issue was because I wasn't involved. The issue of energy and how we get our energy in Santa Barbara County is always front and center. And certainly fossil fuels, oil,

has been a big part of our history. And a big question is, how big a part of our future is it going to be? And in my view, our job as public servants is to look around the corner. It's to anticipate what harm could come from our community. I often compare this to horses. There's often some that are grazing, but there's one who will be looking on the horizon for danger. My first year on the County Board of Supervisors, we experienced a series of disasters. We had the Whittier Fire where 80 children, mostly, were at risk. We had a major bluff collapse in Isla Vista. We had the Thomas Fire and debris flow. We also had El Cap resort, another preliminary debris flow. So, each and every one of those were exacerbated by climate change. It turns out that Santa Barbara and Ventura County -- climate change isn't happening equally all over the globe. It's happening disproportionate faster here. And 2023 was the hottest year on record. So, we need to transition. We need to ween ourselves away from fossil fuels. I think there is a scientific consensus on this. I think there is a large consensus in our community. So, the question is, what can we do to ween ourselves? Where do we go next? And I'm very proud that we got Community Choice Energy. We're now with the Central Coast Community Energy. They've reinvested \$2 billion into renewable resource development. And we're said by 2030 to be all electric in the power that's delivered to us, and that's 15 years ahead of the state goals. When they wanted to expand the Ellwood peaker plant, a PUC decision said, no, but even before that, we were working with Southern California Edison to say, can we use batteries instead? And I just had the opportunity to flip the switch at GridStor, one of the several battery storage facilities that we have. Strauss Wind, that's in my district. That's just come up and running. Offshore, Vandenberg will be the first pilot offshore wind project, and the leases have been let in federal waters. There is a lot of discussion in terms of our Comprehensive Economic Development Strategy about the Central Coast becoming a renewable energy mecca. In terms of the Goleta and the South Coast, millions of dollars are coming to create a virtual power plant, rooftop parking lot, solar, battery storage, and all of this will be connected through AI and managed as a single power plant, all the distributed resources. So, that's going to be a really ambitious and exciting project for the future, and that's going to be a lot of good jobs. I'm working on that piece of it in other contexts.

JERRY ROBERTS: All right. Well, I got to say. When you talk about AI delivering my electricity, it makes me glad I'm old again.

I hereby certify that “Hartmann Interview- Newsmakers with JR Jan 12, 2023” is, to the best of my knowledge and belief, a true and accurate transcription from English to English. The transcript represents the media retrieved from <https://www.youtube.com/watch?v=OtVVBzN0yBI> from 12:00 to 19:09 of its running time.

Anders Nelson

Anders Nelson (Oct 17, 2025 13:41:24 EDT)

Anders Nelson
Project Manager
TransPerfect Legal Solutions

October 17, 2025

EXHIBIT 5



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

Elise Dale, Assistant Director

August 24, 2023

ATTN: Saul Flota
Pacific Pipeline Company
22777 Springwoods Village Parkway
Spring TX, 77389
2023

BOARD OF SUPERVISORS
HEARING OF AUGUST 22,

RE: *Pacific Pipeline Company Appeal of the Planning Commission Denial of the Line 901-903 Valve Upgrade Project; 23APL-00022*

Hearing to consider the request of Pacific Pipeline Company, Appellant, to consider the Appeal, Case Nos. 23APL-00022, of the Planning Commission's (PC) April 26, 2023 denial of the Line 901/903 Valve Upgrade Project, Case Nos. 21AMD-00000-00009 & 22CDP-00000-00048, in compliance with Section 35-182 (Appeals) of the Article II Coastal Zoning Ordinance; on property located in the AG-II zone and to approve the Addendum to the Environmental Impact Report / Environmental Impact Statement (EIR/EIS) Status Clearinghouse Number (SCH): 1983110902, and consider the project exempt from CEQA pursuant to CEQA Guidelines Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures], 15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines]. The project involves installation of 16 new valves on existing Line 901 and Line 903 running from the Gaviota Coast to the Los Padres National Forest within Santa Barbara County. The original EIR/EIS identified significant effects on the environment in the following categories: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Hazards & Risk, Land Use, Noise, Recreation, Transportation, & Water Resources. The Addendum to the EIR, CEQA Exemption, and all related documents may be reviewed at the Planning and Development Department, 123 East Anapamu Street, Santa Barbara or on the County Website at <https://www.countyofsb.org/3360/Plains-Valve-Upgrade-Project>.

Dear Mr. Flota:

At the Board of Supervisors hearing of August 22, 2023, Supervisor Nelson moved, seconded by Supervisor Lavagnino to:

1. Grant the appeal, Case No. 23APL-00022;
2. Make the required findings for approval of the Project, Case Nos. 21AMD-00000-00009 and 22CDP-00000-00048, including CEQA findings (Attachment 1-A);
3. After considering the environmental review documents included as Attachment C-1, C-2, and D of the February 2, 2023 Planning Commission Staff Report (Included in Attachment 2 of the July 18, 2023 Set Hearing Letter) [Addendum dated March 1, 2023 together with previously adopted EIR/EIS and the CEQA exemption Sections 15301(b) [Existing Facilities], 15303(d) [New Construction or Conversion of Small Structures],

15311 [Accessory Structures], and CEQA Statutes Section 15284 [Pipelines], determine that as reflected in the CEQA findings, no subsequent Environmental Impact Report or Negative Declaration shall be prepared for this project; and

4. Grant de novo approval of the Project, Case Nos. 21AMD-00000-00009 and 22CDP-00000-00048, subject to the conditions of approval (Attachment 2).

The motion failed by a vote of 2 – 2 (Capps and Williams no).

Supervisor Capps moved, seconded by Supervisor Williams to:

1. Deny the appeal, Case No. 23APL-00022;
2. Make the required findings for denial of the project, Case Nos. 23APL-00022, 21AMD-00000-00009 and 22CDP-00000-00048 (Attachment 1-B to this Board Letter);
3. Determine that denial of the appeal and project is exempt from CEQA pursuant to CEQA Guideline Section 15270(a), included as Attachment A of the Planning Commission Action Letter dated May 3, 2023 (included as Attachment 3 of the July 18, 2023 Set Hearing Letter) including CEQA findings.
4. Deny the Project, Case Nos. 23APL-00000-00022, 21AMD-00000-00009 and 22CDP-00000-00048.

The motion failed by a vote of 2 – 2 (Nelson and Lavagnino no).

As a result, no action was taken by the County Board of Supervisors.

Sincerely,



Lisa Plowman
Planning & Development Director

xc: Case File: 23APL-00022
Agent: John Fowler, 22777 Springwoods Village Parkway, Spring TX, 77389
Deputy County Counsel
Das Williams, First District Supervisor
Laura Capps, Second District Supervisor
Joan Hartmann, Third District Supervisor
Bob Nelson, Fourth District Supervisor
Steve Lavagnino, Fifth District Supervisor
Michael Cooney, First District Planning Commissioner
Laura Bridley, Second District Planning Commissioner
John Parke, Third District Planning Commissioner

Board of Supervisors Hearing of August 22, 2023
Pacific Pipeline Company Appeal of the Planning Commission Denial of PPC Line 901-903 Valve
Upgrade Project; 23APL-00022
Page 3

Larry Ferini, Fourth District Planning Commissioner
Vincent Martinez, Fifth District Planning Commissioner
Planner: Katie Nall

EXHIBIT 6

2) PLANNING AND DEVELOPMENT DEPARTMENT

23-00890

HEARING - Consider recommendations regarding an appeal of the Planning Commission’s approval of the Change of Ownership, Change of Guarantor, and Change of Operator for the Las Flores Pipeline System (formerly Plains All American Lines 901/903), First, Third, and Fourth Districts, as follows: (EST. TIME: 1 HR. 30 MIN.)

- a) Deny the appeal, Case No. 23APL-00027;
- b) Make the required findings for approval for the Change of Ownership, Change of Guarantor, and Change of Operator, including California Environmental Quality Act (CEQA) findings;
- c) Determine the request is not a project pursuant to CEQA Guidelines Section 15378(b)(5); and
- d) Grant de novo approval of the Change of Ownership, Change of Guarantor, and Change of Operator for Final Development Plan Permit No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), subject to the Conditions of Approval.

COUNTY EXECUTIVE OFFICER’S RECOMMENDATION: POLICY

HEARING TIME: 1:43 PM - 3:00 PM (1 HR. 17 MIN.)

Received and filed staff presentation and conducted a public hearing.

A motion was made by Supervisor Nelson, seconded by Supervisor Lavagnino, that this matter be acted on as follows:

Accepted into the record the following document: Appellant Replacement PowerPoint dated September 19, 2023 at 1:24 PM.

The motion carried by the following vote:

- Ayes:** 4 - Supervisor Williams, Supervisor Capps, Supervisor Nelson, and Supervisor Lavagnino
- Recused:** 1 - Supervisor Hartmann

EXHIBIT 7



County of Santa Barbara Planning and Development

Lisa Plowman, Director

Jeff Wilson, Assistant Director

March 16, 2022

ExxonMobil Production Company
Bryan Anderson, SYU Asset Manager
12000 Calle Real
Santa Barbara, CA 93117

BOARD OF SUPERVISORS
HEARING OF MARCH 8, 2022

RE: ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart

Consider the Planning Commission's recommendation for denial of the ExxonMobil Interim Trucking for Santa Ynez Unit Phased Restart Project (Case No. 17RVP-00000-00081), Third and Fourth Districts, as follows:

- a) Make the required findings for denial of the Modified Project, Case No. 17RVP-00000-00081;
- b) Determine that denial of the Modified Project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270(a) and approve the filing of a Notice of Exemption; and
- c) Deny the Modified Project, Case No. 17RVP 00000 000081.

Dear Mr. Anderson:

At the Board of Supervisor's hearing of March 8, 2022, Supervisor Williams moved, seconded by Supervisor Hart and carried by a vote of 3 to 2 (Nelson and Lavignino no) to:

1. Make the required findings for denial of the Modified Project, Case No. 17RVP-00000-00081, included as Attachment A to the February 15, 2022 Board Letter;
2. Determine that denial of the Modified Project is exempt from CEQA pursuant to CEQA Guidelines Section 15270(a) and approve the filing of a Notice of Exemption; and
3. Deny the Modified Project, Case No. 17RVP 00000 000081.

The Board of Supervisor's actions included the following revisions to the findings.

Page A-1, Section 1.2, Statement of Overriding Considerations is revised:

The Final SEIR (19EIR-00000-00001) and Final SEIR Revision Letter No. 1 identifies one significant and unavoidable impact to sensitive resources (biological, water, and cultural) due to potential oil spills. Several mitigation measures would serve to reduce these impacts, but even with the inclusion of these measures, the impacts cannot be reduced to less than significant levels. In order to approve a project with a significant and unavoidable impact, the decision-maker must make a statement of overriding considerations that the benefits of the project outweigh the unavoidable adverse environmental impacts.

A draft statement of overriding considerations was provided by staff to the Planning Commission for the hearing of September 30, 2021 which is included in the Board of Supervisors hearing packed dated February 8, 2022 as Attachment D. However, the Board of Supervisors finds that there is not substantial evidence in the record to support a determination that the benefits of the Project outweigh the project's significant and unmitigable impacts on the environment. For example, the amount of local oil this project would provide would only have a de minimus impact on domestic oil use and demand. Additionally, the Applicant did not present substantial evidence to support conclusory statements that the project would increase local jobs or expenditures at local businesses. Therefore, the Board of Supervisors is unable to make the finding that there is substantial evidence that benefits outweigh the significant and unavoidable impact of the project.

There is conflicting information submitted by public comment and the Applicant about the impact of the project on domestic oil use and demand. While there may be an increase in local jobs and local expenditures if the Project is approved, the Board has concluded that these benefits may not be as secure or as high quality as indicated by the applicant and they do not outweigh the unavoidable adverse environmental impacts of the Project. The Board finds that potential benefits of the Project do not outweigh the Project's significant local and regional environmental impacts because the Project will be detrimental to the environment generally, and the County of Santa Barbara along the truck route will bear the brunt of environmental impacts, including potential significant impacts from spills and other localized air impacts.

Additionally, if all of the truck trips terminated at the Santa Maria Pump Station as previously-proposed, the total distance of the truck trips would be lower. But now, with the slated closure of the Santa Maria Pump Station in 2023, truck trips will shift to driving to Kern County for most of the duration of the Project. Not only does this minimize the previously-identified benefit that the project would reduce truck traffic eastbound from the Santa Maria Pump Station, it puts many trucks on the road, driving very far, and causing potential environmental impacts the entire route.

Production of local oil may have benefits above the importation of foreign oil; however, the transportation by truck is not the appropriate way to transport it based on the environmental and safety impacts to the County. The Board cannot find that the benefits of the project outweigh the significant environmental impacts.

The Applicant stated at the hearing that they will attempt to mitigate GHG locally, but that it is infeasible to locally mitigate GHG and in order to comply with the mitigation measures, ExxonMobil will need to also pursue non-local mitigation. The Project does not present local benefits sufficient to outweigh the local impacts of the project, in particular along the Project corridor.

The earlier versions of the proposed project mitigated GHG impacts to a much larger extent. But the slated retirement of the Santa Maria Pump Station (SMPS) changed that and Staff's original analyses and recommendation for approval was based on those earlier advantages. With the shortened time period during which trucking to SMPS can occur, before shifting to Kern, the Project no longer has the benefits of reducing traffic and further decreasing carbon impacts. The Project no longer reduces truck

trips and puts too many trucks on the road, causing potential environmental impacts along the entire route.

Additionally, the potential economic benefits of the Project are substantially less than those of the County's coastal hospitality industry, which is significantly threatened by the possibility of oil spills.

Pursuant to Public Resources Code Section 21081(b), and CEQA Guidelines Sections 15043, 15092 and 15093, because the Board of Supervisors cannot find that the specific overriding considerations of the project outweigh the significant effects on the environment, the Board of Supervisors is unable to make a finding of Overriding Considerations and thus cannot approve the project.

Page A-3, Section 2.1(e), LUDC Development Plan Finding is revised:

The proposed Project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The project would create ~~significant but mitigable~~ impacts (for CEQA significance of impact determinations) regarding traffic safety along Calle Real, Highway 101, and State Route 166 due to the addition of tanker truck trips to and from Las Flores Canyon to the Pentland Terminal. Existing driver behavior, which recent data shows an increase in traffic fatalities is problematic. The Project would generate up to 78 daily round truck trips along Calle Real, Highway 101, and Highway 166 after the permanent closure of the Santa Maria Pump Station, expected for some time in 2023. Existing accident rates on certain segments of Highway 101 and State Route 166 within the project area are currently above the state average (see SEIR page 4.5-7), and the project would add an additional risk for accidents above these existing conditions (SEIR section 4.5 pages 20-22). Of particular concern to the Board of Supervisors is traffic safety along State Route 166, a narrow two-lane highway connecting the Central Coast to the southern San Joaquin Valley, with few turnouts and passing lanes. The risk of transporting oil by truck on State Route 166 was highlighted when Santa Barbara County experienced an accident on March 21, 2020 where a tanker truck overturned down an embankment causing 6,600 gallons of crude oil to spill into the Cuyama River, ten miles upstream from Twitchell Dam and reservoir. Additionally, the September 27, 2021 Environmental Defense Center comment letter to the Planning Commission, incorporated herein by reference, cites four recent tanker truck accidents on Highway 166 that either resulted in injuries or fatalities and/or in the release of the truck's crude oil contents (September 13, 2016, May 20, 2018, December 12, 2018 and March 21, 2020). The Board incorporates by reference all of the public comments submitted for the March 8, 2022 hearing, which detail additional accident data and safety concerns.

The Board of Supervisors finds this additional risk to traffic safety impedes their ability to find that the project meets the requirements of LUDC Sections 35.82.080.E.1(c & e) because of the increase of hazards on the route that would be detrimental to the general welfare, health, and safety of other users, even if considered "mitigable" for CEQA impact classification purposes.

Due to the impact of the project on the residents of the County and other users of the proposed route related to traffic safety, the Board of Supervisors finds that: 1) streets and highways are not adequate or properly designed to carry the type and quantity of traffic generated by the project; and 2) approval of the project would be detrimental to the comfort, convenience, general welfare, health and safety of the community. The Board of Supervisors therefore cannot make these findings.

Page A-4, Section 2.2(e), Coastal Zoning Ordinance Development Plan Finding is revised:

The proposed Project will not be detrimental to the comfort, convenience, general welfare, health, and safety of the neighborhood and will not be incompatible with the surrounding area.

The project would create ~~significant but mitigable impacts (for CEQA significance of impact determinations)~~ regarding traffic safety along Calle Real, Highway 101, and State Route 166 due to the addition of tanker truck trips to and from Las Flores Canyon to the Pentland Terminal. Existing driver behavior, which recent data shows an increase in traffic fatalities is problematic. The Project would generate up to 78 daily round truck trips along Calle Real, Highway 101, and Highway 166 after the permanent closure of the Santa Maria Pump Station, expected for some time in 2023. Existing accident rates on certain segments of Highway 101 and State Route 166 within the project area are currently above the state average (see SEIR page 4.5-7), and the project would add an additional risk for accidents above these existing conditions (SEIR section 4.5 pages 20-22). Of particular concern to the Board of Supervisors is traffic safety along State Route 166, a narrow two-lane highway connecting the Central Coast to the southern San Joaquin Valley, with few turnouts and passing lanes. The risk of transporting oil by truck on State Route 166 was highlighted when Santa Barbara County experienced an accident on March 21, 2020 where a tanker truck overturned down an embankment causing 6,600 gallons of crude oil to spill into the Cuyama River, ten miles upstream from Twitchell Dam and reservoir. Additionally, the September 27, 2021 Environmental Defense Center comment letter to the Planning Commission, incorporated herein by reference, cites four recent tanker truck accidents on Highway 166 that either resulted in injuries or fatalities and/or in the release of the truck's crude oil contents (September 13, 2016, May 20, 2018, December 12, 2018 and March 21, 2020). The Board incorporates by reference all of the public comments submitted for the March 8, 2022 hearing, which detail additional accident data and safety concerns.

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Due to the impact of the project on the residents of the County and other users of the proposed route related to traffic safety, the Board of Supervisors finds that: 1) streets and highways are not adequate or properly designed to carry the type and quantity of traffic generated by the project; and 2) approval of the project would be detrimental to the comfort, convenience, general welfare, health and safety of the community. The Board of Supervisors therefore cannot make these findings.

The attached findings reflect the Board of Supervisors actions of March 8, 2022.

Sincerely,



Lisa Plowman
Director, Planning & Development

cc: Case File: 17RVP-00000-00081
Owner: ExxonMobil Production Company, P.O. Box 30151, College Station, TX 77842
Applicant: Bryan Anderson, ExxonMobil Production Company, 12000 Calle Real, Santa Barbara, CA 93117
California Coastal Commission, 89 S. California Street, Suite 200, Ventura, CA 93001
County Chief Appraiser
APCD
Joan Hartmann, Third District Supervisor

Attachments:

Attachment A – Findings for Denial

EXHIBIT 8

Message

From: Joan Hartmann [jHartmann@countyofsb.org]
Sent: 1/26/2025 12:13:20 AM
To: Gina Fischer [gFischer@countyofsb.org]
Subject: Fw: Question on recusal for Sable pipeline

From: Len Fleckenstein <lenfleck@yahoo.com>
Sent: Friday, January 24, 2025 9:32 PM
To: Joan Hartmann <jHartmann@countyofsb.org>
Cc: Gina Fischer <gFischer@countyofsb.org>
Subject: Re: Question on recusal for Sable pipeline

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thanks very much for your quick reply and the helpful information. I too live extremely close to the pipeline which runs along the other side of the street here on Valley Dairy Road in Buellton. Because it is so close, and also because I sometimes get involved in various environmental issues, I spoke about the pipeline during the public comment section of the Buellton City Council meeting yesterday evening. They promised to put the issue on the agenda for their next meeting (on 2/13).

Len Fleckenstein
430 Valley Dairy Rd. Buellton

On Jan 24, 2025, at 9:17 PM, Joan Hartmann <jHartmann@countyofsb.org> wrote:

Hi Len,

The pipeline runs right next to the NE corner of my property. I receive lots of special notices from the pipeline companies because of this close proximity. My HOA is quite concerned about the potential for the pipeline to contaminate our aquifer, the source of our water. So, I am affected in a different way than a member of the general public vis a vis this project. I don't know how I could rebut the FPPC presumption (see below).

The various companies that have owned the pipeline watch very carefully to ensure that I recuse. I once voted on the consent calendar that included a set hearing for a pipeline issue and Exxon called my office to complain. We had to bring the matter up at the end of the Board meeting so I could recuse myself from this very ministerial matter. If I did participate in the decision, it would be challenged by Sable who would likely prevail and the decision would be moot. I very much wish I could participate, although not so much that I will sell my house and move (some have suggested that).

Hope this helps.
Joan

Here is more detail:

The California Fair Political Practices Commission (FPPC) enforces rules under the **Political Reform Act** to address conflicts of interest, including when decision-makers must recuse themselves from participating in government decisions. The relevant regulation is found in **Title 2, California Code of Regulations, Section 18702.2**.

Rule Description:

Under **Section 18702.2**, decision-makers must recuse themselves from decisions if their property interest is "**materially affected**" by the decision. Specifically, this includes projects or decisions involving property located **within 500 feet** of the official's real property. The threshold for materiality depends on proximity and the potential for the decision to have a direct or reasonably foreseeable financial impact on the value of the property.

Key Provisions:

1. **500-Foot Rule:**

- If the project is within 500 feet of the official's property boundary, there is a presumption of a material financial effect, requiring recusal.
- However, this presumption can be rebutted if clear and convincing evidence shows no financial effect.

2. **500-1,000 Feet Rule:**

- If the property is located **between 500 and 1,000 feet**, there is no automatic presumption, but a case-by-case determination is required to assess whether the decision has a material financial impact on the official's property.

3. **Beyond 1,000 Feet:**

- Projects beyond 1,000 feet are presumed not to have a material financial effect, though this can be challenged with evidence to the contrary.

4. **Direct Effects:**

- The rule applies to decisions involving zoning, permits, or development plans that could alter property values, either positively or negatively.

Recusal Process:

If a decision-maker identifies a conflict of interest:

1. They must publicly announce the conflict and their reason for recusal.
2. They must abstain from participating in the decision or influencing colleagues.

This rule is designed to ensure government officials make decisions that are impartial and free of personal financial bias.

From: Len Fleckenstein <lenfleck@yahoo.com>

Sent: Friday, January 24, 2025 9:00 PM

To: Joan Hartmann <jHartmann@countyofsb.org>

Subject: Question on recusal for Sable pipeline

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hello Joan, Meighan, or whoever reads these emails:

I'm wondering why Supervisor Hartmann is obligated to recuse herself from the pending decision (at a 2/25 appeals hearing) regarding transfer of ownership from ExxonMobil to the Sable Offshore Corporation. Is it due to the pipeline's location? Or to Joan's relationship with the litigants? Or something else?

Thanks for considering my questions.

Sincerely,

Len Fleckenstein
Buellton, CA
LENFLECK@yahoo.com
805-636-2516

EXHIBIT 9

June 6, 2025, Newsmakers withJR, (June 6, 2025)

Latham & Watkins

October 17, 2025

Transcript by TransPerfect

[00:12:15]

JERRY ROBERTS: And then you mentioned the two-two vote. Now, this was, as you say, a name change basically to approve the movement of assets from Exxon to this corporation that didn't exist a few years ago, called Sable. It was a two-two vote at the Board of Supervisors. It was a three-one vote on the oil company's behalf at the Planning Commission, and they're saying, because it was a tie vote, this is like trying to explain the infield fly rule to somebody--

SUPERVISOR LAURA CAPPS: I know. You just lost--

[OVERLAY]

SUPERVISOR LAURA CAPPS: -- everybody again, but that's okay.

JERRY ROBERTS: But you're getting sued on this?

SUPERVISOR LAURA CAPPS: We are currently getting sued about what is that two-two vote. So, a judge will decide if this goes -- the lawsuit is, what does the two-two vote mean?

JERRY ROBERTS: Right. And from your perspective, the two-two vote, you were two, no, we shouldn't allow--

SUPERVISOR LAURA CAPPS: Yeah.

JERRY ROBERTS: -- the transfer of assets? That would be the favorable outcome?

SUPERVISOR LAURA CAPPS: Yeah, we had this marathon hearing. I raised a lot of concerns about the financial stability of this company that basically Exxon sold the pipeline to, but they didn't have any money to buy it. So, Exxon gave them money to buy it, and then they bought it. They've never operated a pipeline before and currently don't. So, I raised a lot of red flags about transferring it to Sable, and Roy Lee joined me in voting against being able to give it to Sable. So, it was a two-two vote, and that's now the subject of one of many lawsuits happening.

JERRY ROBERTS: Yeah, I got to say. The thing that really concerns me in this whole story is that same -- I mean, it all goes back to Trump, but, I mean, Trump pays no heed to court decisions, particularly, unless he happens to agree with them, or other authorities or anything else. And this oil company is behaving like that. They don't have to pay any taxes to the Coastal Commission. The Coastal Commission has restraining orders on them up the wazoo. They got an 18-- they don't care. And every time that there's another court decision against them, they say, it doesn't bother us at all. And I know you probably can't talk about this much, but there's this original decision at County Council that the permit that was granted to Exxon for the pipeline originally back before the last Ice Age, whenever it was --19--

SUPERVISOR LAURA CAPPS: 1986, I think.

June 6, 2025, Newsmakers with JR, (June 6, 2025)

Latham & Watkins

October 17, 2025

Transcript by TransPerfect

JERRY ROBERTS: It was close. Takes precedent over all else.

[00:15:00]

They don't really need a permit. So, every time the Coastal Commission tries to enforce something on them, they just kind of wave around this County Council thing and say, we don't have to do it. I mean, can you say anything about that? I mean, it's really kind of put you in a bind.

SUPERVISOR LAURA CAPP: Yeah. Again, it's been really unclear in a lot of different interpretations. And what I try to focus on is what's before me. I've raised a lot of questions in the hearings that we've had. I voted against putting valves last year, which, again, is counterintuitive. Of course I want safety valves in a pipeline. It's state law passed by then-Assembly Member Das Williams. But I voted against putting in the valves because it was a way to restart the pipeline. But, yeah, I think, because, in part, it's just been very confusing, and very murky, and hard for even those who are decision makers in this to sort of understand what the next steps are. But hats off to EDC and others for really -- and the Independent, too, for helping to explain this and the attention. I mean, the public awareness, the fact that, that hearing, we had 700 people, we had the longest public comment in our county history. It went on for four-plus hours. It was 138 speakers, I mean, all these speakers, too, from UCSB. So, I don't know where this will go, but no matter what, it's really galvanized the county and the people. And I think that brings me to what I'm hoping we can talk about, is the vote that I do understand where we are, which is banning.

I hereby certify that “June 6, 2025, Newsmakers withJR, (June 6, 2025)” is, to the best of my knowledge and belief, a true and accurate transcription from English to English. The transcript represents the media retrieved from <https://www.youtube.com/watch?v=u4gmxCnZvDM> from 12:15 to 16:48.of its running time.

Anders Nelson

Anders Nelson (Oct 17, 2025 13:45:19 EDT)

Anders Nelson
Project Manager
TransPerfect Legal Solutions

October 17, 2025

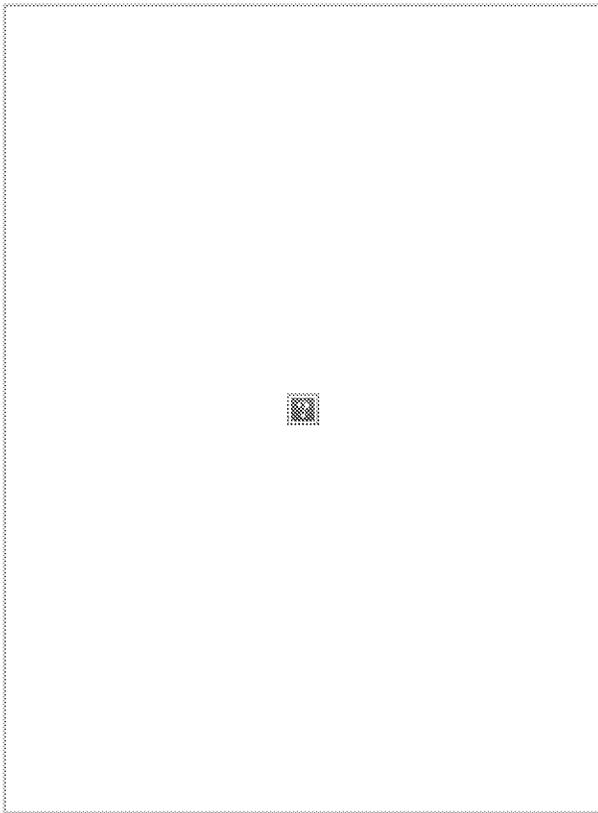
EXHIBIT 10

From: [Rachel Van Mullem](#)
To: ["KHarrison@fpcc.ca.gov"](mailto:KHarrison@fpcc.ca.gov)
Cc: [Lisa Valencia Sherratt](#)
Subject: FW: Question re FPCC Request 25-075
Date: Thursday, June 5, 2025 4:54:00 PM
Attachments: [Request for Formal Advice on Behalf of Supervisor Hartmann 6-5-25.pdf](#)
[image002.png](#)

Ms. Harrison,

My apologies for the formatting mix-up on the May 2025 Request for Formal Written Advice Concerning the Political Reform Act on Behalf of Santa Barbara County Supervisor Hartmann. In response to your question last week regarding the confirmation of distances between Supervisor Hartmann's parcel and Line 903, the prior 2017 request for advice did state that Line 903 was approximately 50 feet from Supervisor Hartmann's parcel. When further evaluating mapping in preparation of this 2025 letter, however, the County's Planning and Development Geographic Information System (GIS) specialist determined the pipeline was likely further away than the original information indicated. In addition, in response to your question last week, we sought to further refine the distances at issue.

While the County does not know for certain the exact location of the pipeline, permitting data for the pipeline and inspecting scars in aerial imagery from construction show that the pipeline is about 100 to 200 feet from where it is depicted on the orange line below. Based on this information, the closest edge of Supervisor Hartmann's parcel (APN 099-430-001) to Pipeline 903 is approximately 900 feet and the closest edge of Supervisor Hartmann's residence to Pipeline 903 is approximately 1,040 feet. We have revised the letter to reflect these updated distances.



Please let me know if you have any further questions.

Rachel

Rachel Van Mullem
County Counsel
Santa Barbara County Counsel
105 East Anapamu Street, Room 201
Santa Barbara, California 93101
(805) 722-4740



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From: Karen Harrison <KHarrison@fppc.ca.gov>
Sent: Thursday, June 5, 2025 1:06 PM
To: Rachel Van Mullem <Ryanmull@countyofsb.org>
Subject: RE: Question re FPPC Request 25-075

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Rachael,

Following up on the two requests below.

Thank you,
Karen

L. Karen Harrison
Senior Commission Counsel
Legal Division, Fair Political Practices Commission
kharrison@fppc.ca.gov
(279) 237-5919

From: Karen Harrison
Sent: Tuesday, May 27, 2025 9:04 AM
To: Ryanmull@countyofsb.org
Subject: RE: Question re FPPC Request 25-075

Rachel,

Also, I noticed that a page is missing from the Request -your letter ends on page 8 of 8, but the page before is 6 of 7?

L. Karen Harrison
Senior Commission Counsel
Legal Division, Fair Political Practices Commission
kharrison@fppc.ca.gov
(279) 237-5919

From: Karen Harrison
Sent: Tuesday, May 27, 2025 9:01 AM
To: Rvanmull@countyofsb.org
Subject: Question re FPPC Request 25-075

Rachael,

I am the attorney assigned to your request made on behalf of Supervisor Hartman. We need clarification on the distance between the Supervisor's parcel and the 903 pipeline. The materiality standards differ if the decision involves property within 500 feet as compared to property that is 500 feet to 1,000 feet. The facts in the recent request state:

"Because of turns in the pipeline's layout, the distances from the closest points of Line 903, to the closest edge of Supervisor Hartmann's parcel, is less than 1,000 feet. The closest distance between Supervisor Hartmann's actual residence and Line 903 is about 750 feet."

However, the previous request for advice, in 2016, stated that Line 903 was 50 feet from the Supervisor's parcel.

"At its closest point, Line 903 is approximately 50 feet from the 31-acre parcel. The distance between the parcel and the pipeline, however, ranges up to 1,000 feet due to the pipeline's layout. The closest distance between the pipeline and the actual residence is about 750 feet."

2016 Cal. Fair-Pract. LEXIS 219, *3, 2016 Cal. Fair-Pract. LEXIS 219

Please clarify the distance.

Thank you,

Karen

L. Karen Harrison
Senior Commission Counsel, Legal Division
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street | Suite 3050 | Sacramento, CA 95811
279.237.5919 Office | 916.322.1932 Fax | kharrison@fppc.ca.gov

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one
COUNTY
one
FUTURE

The Office of County Counsel

105 E. Anapamu Street, Suite 201
Santa Barbara, CA 93101
Ph: (805) 568-2950 Fax: (805) 568-2982

Rachel Van Mullem
County Counsel

June 5, 2025

General Counsel
Fair Political Practices Commission
1102 Q Street, Suite 3050
Sacramento, CA 95811

By: First Class Mail &
E-mail to Advice@fppc.ca.gov
E-mail to KHarrison@fppc.ca.gov

Re: Revised Request for Formal Written Advice Concerning the Political Reform Act on behalf of Santa Barbara County Supervisor Hartmann

Dear Counsel:

As County Counsel for the County of Santa Barbara and pursuant to Government Code § 83114(b), I am requesting, on behalf of Santa Barbara County Supervisor Joan Hartmann, written advice regarding the conflict provisions of the Political Reform Act. This request supersedes a prior request of May 12, 2025.

Discussed in more detail below, the residence owned by Supervisor Hartmann's family is on about 31 acres of land. "Line 903" is an underground crude oil pipeline that is now owned by Sable Offshore Corporation ("Sable"). Line 903 runs the entire length of Santa Barbara County, including near Supervisor Hartmann's residence. Because of turns in the pipeline's layout, the distances from the closest points of Line 903, to the closest edge of Supervisor Hartmann's parcel, is approximately 900 feet. The distance between Supervisor Hartmann's residence and Line 903 is approximately 1,040 feet.

Supervisor Hartmann first took office as Third District Supervisor on January 3, 2017. The question below does not seek advice relating to past conduct. (Cal. Code Regs., tit. 2, § 18329(b)(8)(a).) This request supplements a prior request for advice which resulted in Advice Letter A-17-037. (See Year: 2017 Advice Letter # 17-037.)

Question:

1. Pursuant to the Political Reform Act may Supervisor Hartmann "make", "influence" and "participate in making" decisions regarding Sable's proposed change in ownership and related litigation in which her real property is not explicitly involved in the decisions, but could be impacted by the proximity of Line 903?

More specifically, is any reasonably foreseeable and measurable financial effect on Supervisor Hartmann's family residence distinguishable from its effect on public generally for decisions involving Sable's request for change of ownership or related litigation based on the proximity of the Line 903 and the impacts if there were any leaks in the line on or near her property, including, but not limited to, the potential impacts to groundwater that serves her property through small mutual water company that relies on 2 local groundwater wells.

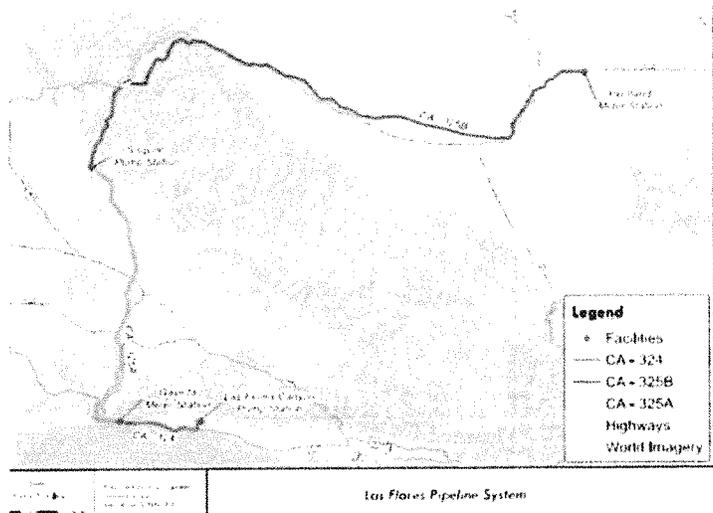
Background:

2015 Oil Spill. On May 19, 2015, Plains Pipeline, LP ("Plains") "Line 901," an underground pipeline, ruptured and released more than 100,000 gallons of crude oil onshore, along the Gaviota Coast area of Santa Barbara County. A substantial portion of the oil flowed into the Pacific Ocean. On May 21, 2015, the federal Pipeline and Hazardous Materials Safety Administration ("PHMSA") issued a series of Corrective Action Orders (CAOs) to Plains, concerning Plains' Line 901 pipeline and Plains' Line 903 pipeline.

Las Flores Pipeline System.

- **Line 901** (also referred to as CA-324) is a 24-inch diameter pipeline, about 10.6 miles long, that transports crude oil, east to west, along the Gaviota Coast.
- **Line 903** (also referred to as CA-325A and CA-325B) is a 30-inch diameter pipeline, about 129.5 miles long, that carries all of Line 901's crude-oil, generally south to north, through the entire length of Santa Barbara County, and then into Kern County.

Together Lines 901 and 903 (along with mainline valves, pipeline markers, cathodic protection test stations, and three metering and regulations stations) are referred to as the "Las Flores Pipeline System" (referred to as the Pipeline System or pipelines) and comprise an approximately 122 linear mile crude oil pipeline that runs from the Gaviota Coast in Santa Barbara County to the Pentland Delivery Station in Kern County.



Location of the Las Flores Pipeline System (formerly AAPL Lines 901/903), in the Third, Fourth, and First Supervisorial Districts.

This Pipeline System is permitted under Santa Barbara County Final Development Plan Permit 88-DPF-033 (RV01)z, 88-CP-60 (RV01) (88-DPF-25cz; 85-DP-66cz; 83-DP-25cz), approved on February 18, 1986, revised in 1988, and last modified in May 2003. Pipeline construction occurred from 1988 to 1991, and the system became operational in 1994 under owner/operatorship of Celeron/All American. Plains acquired Lines 901 and 903 from Celeron/All American in 1998.

As part of the 2015 CAOs from PHMSA, the Pipeline System was shut down, purged and filled with inert gas. All CAOs are to be completed prior to the restart of the pipelines. The Pipeline System is classified by PHMSA and OSFM as "active" but remains out-of-service while the owner/operator works to fulfill the requirements for the safe operation of the pipelines. The OSFM Pipeline Safety Division is the regulatory authority responsible for the safety oversight of the pipelines.

The pipelines are part of larger oil production infrastructure, including: 1) the onshore Santa Ynez Unit (SYU) facilities, 2) the Pacific Offshore Pipeline Company (POPCO) Gas Plant, and 3) the Las Flores Pipeline System. These three facilities are existing, operationally interrelated oil and gas facilities, permitted to operate under previously issued County Final Development Plan Permits and Coastal Development Permits. The onshore SYU facilities and POPCO Gas Plant are County-permitted facilities that treat crude oil and natural gas from offshore Platforms Hondo, Harmony, and Heritage in the Santa Barbara Channel. The County's permitting jurisdiction is limited to the onshore SYU facilities and does not include the offshore platforms or offshore infrastructure. When operating, oil produced from the SYU is transported via the common-carrier Las Flores Pipeline System (formerly known as the Plains All American Pipeline), a County-permitted pipeline system.

Change in Pipeline Ownership. Pacific Pipeline Company (PPC) purchased Lines 901 and 903 from Plains on October 13, 2022. PPC changed ownership to ExxonMobil Corporation in 2023 and applied to the County for a Change of Owner, Change of Guarantor, and Change of Operator which was approved by the Board of Supervisors on September 19, 2023. (See County of Santa Barbara - File #: 23-00890.) Supervisor Hartmann recused herself from participating in the decision and vote on this matter.

On February 14, 2024, Sable Offshore Corporation ("Sable") acquired the SYU from ExxonMobil Corporation, as well as POPCO and Pacific Pipeline Company, the owners of the Gas Plant and the Las Flores Pipeline System, respectively. On March 14, 2024, Sable submitted applications to the County's Planning and Development Department for the following:

- A Change of Owner, Operator and Guarantor of the onshore SYU facilities permit, No. 87-DP-32cz (RV06), from ExxonMobil Corporation to Sable;

- A Change of Operator and Guarantor of the POPCO Gas Plant permit, No. 93-FDP-015 (AM03), from ExxonMobil Corporation to Sable; and
- A Change of Operator and Guarantor of the Las Flores Pipeline System permit, No. 88-DPF-033 (RV01)z, 88-CP-60 (RV01)(88-DPF-25cz;85-DP-66cz; 83-DP-25cz), from ExxonMobil Pipeline Company to Sable (Operator), and ExxonMobil Corporation to Sable (Guarantor).

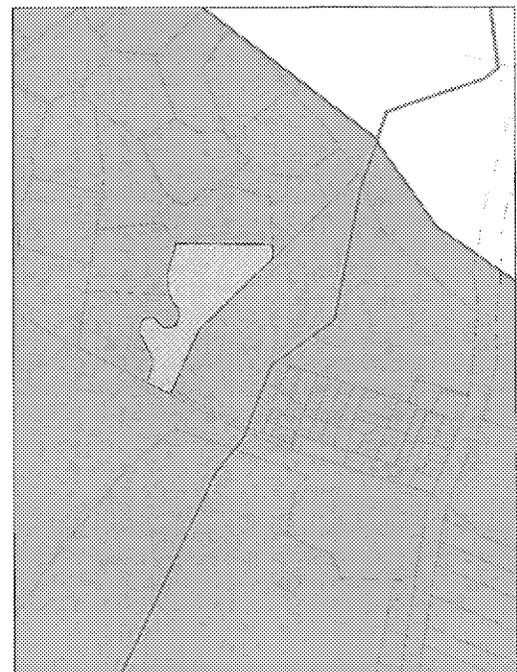
This matter was heard by the Board of Supervisors on February 25, 2025, and no action was taken as the Board voted 2-2 on the matter. (See [County of Santa Barbara - File #: 25-00144](#).) Supervisor Hartmann recused herself from the matter and did not participate in the discussion or vote. As a result of this action, Sable has requested reconsideration of the Board's action and threatened litigation. (See attached letter from Sable's counsel Jessica Bina of Latham & Watkins LLP, dated April 11, 2025.)

Santa Barbara County does not regulate the *operation* of either Line 901 or Line 903. But, Santa Barbara County is the original permit-issuing authority for the pipeline. In addition, as noted above, the County is responsible for considering Changes in Ownership of the pipelines, as is currently outstanding by Sable.

Supervisor Hartmann's Property. Supervisor Joan Hartmann was elected to represent Santa Barbara County's Third Supervisorial District. (Gov. Code, § 25040; Santa Barbara County Code, § 2-12.) She took that office for the first time on January 3, 2017.

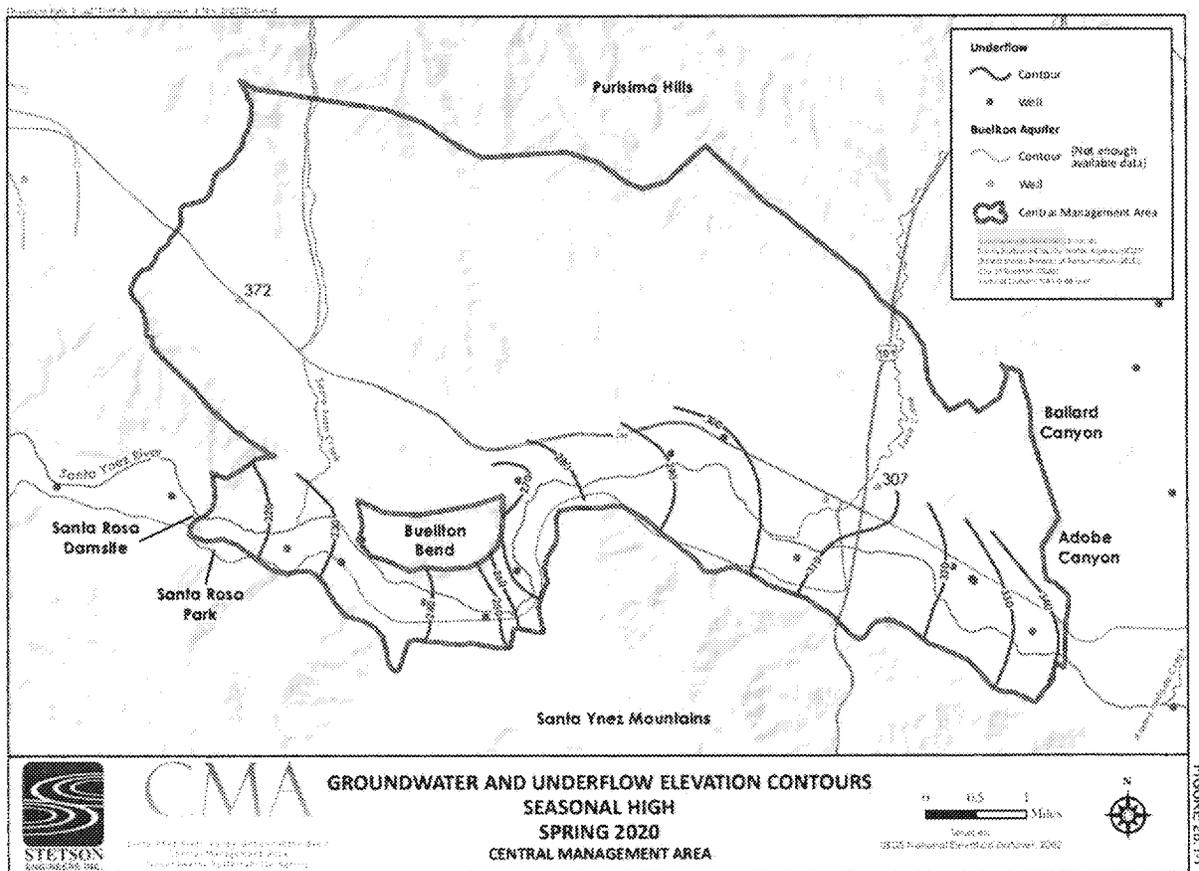
Supervisor Hartmann's property, Assessor Parcel Number 099-430-001 (identified in green), and the pipeline Line 903 (marked in red) are included on the map. The property is the site of Supervisor Hartmann's personal residence and has a value of over \$2,000.

The property is located in the Santa Ynez River Valley Groundwater Basin Central Management Area ("Basin" or "CMA"). The Basin is governed by The Santa Ynez River Valley Groundwater Basin Central Management Area Groundwater Sustainability Agency ("GSA") and has adopted a Groundwater Sustainability Plan ("GSP"). (See [Central Management Area Groundwater Sustainability Plan - Central Management Area GSA](#).) Supervisor Hartmann's property gets its water service from the Bobcat Springs



Mutual Water Company ("Bobcat MWC"). Bobcat MWC provides potable water service to approximately 47 connections and a population of 120. (See CMA GSP (2022), page 1d-24.) Bobcat MWC relies on 2 extraction wells as its sole source of water supply. (Id.) Annual water use is estimated to range from 97 to 107 acre-feet per year. There are 3 retail water agencies servicing the CMA, including the City of Buellton (with 1,836 connections serving a population of 5,464), Bobcat MWC, and Mesa Hills MWC (with 36 connections serving a population of 54), and one wholesale water agency the Central Coast Water Authority. There are also three small scale water purveyors for the CMA, serving 16 or less connections, including the Jonata Homeowners Association, the North Buellton Hills Water Works and the Hager MWC. In addition, there are approximately 255 groundwater wells, of which 125 are domestic or municipal wells, in the CMA. (See CMA GSP (2022), Table 1d.3-1.) On average municipal and domestic groundwater pumping in the CMA is 540 acre-feet per year. (See CMA GSP (2022), Table 2c.3-5.)

Groundwater elevations in the CMA Basin are as follows:

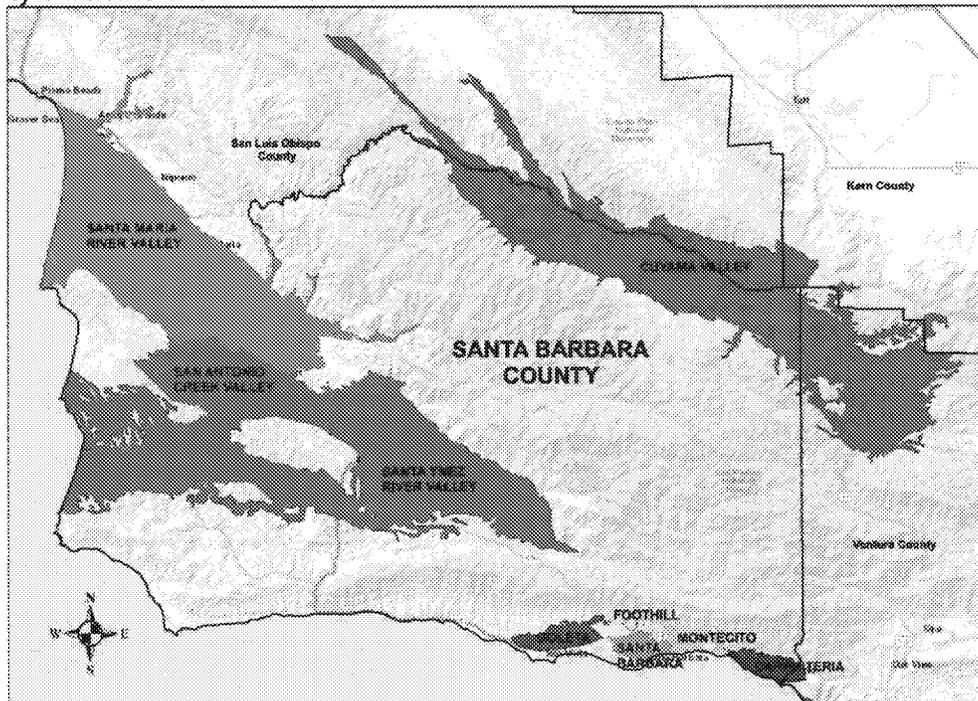


(CMA GSP (2022), pages 2b-9 and 2b-13.)

Line 903 transverses 4 of the County's 9 groundwater basins and 4 of the County's 7 Groundwater Sustainability Agencies (GSAs). Specifically, Line 903 travels through portions of the:

- Santa Ynez River Valley Groundwater Basin (both the Central Management Area and the Eastern Management Area [which has at least 620 wells]¹ which are also two separate GSAs),
- Santa Antonio Creek Valley Groundwater Basin and GSA²,
- Santa Maria River Valley Groundwater Basin, and
- Cuyama Valley Groundwater Basin and GSA (which has at least 698 wells)³.

The Santa Maria Groundwater Basin is an adjudicated basin without a GSA. A map of the County's basins are included below:



Supervisor Hartmann's property is part of the Jonata Springs Ranch Homeowners Association and Supervisor Hartmann serves on their Fire Wise Committee. (See <http://www.jonatasprings.org/About/about.html>.) Jonata Springs Ranch is a private gated community that comprises 800 acres divided into 44 individual parcels of 20 or more acres. This is an equestrian community with 10.5 miles for developed bridge trails.

¹ See [Santa Ynez River Valley Groundwater Basin - Eastern Management Area Groundwater Sustainability Plan \(2022\)](#), page 2-19. There is an estimate of 620 wells in the EMA area of the Basin, although the total count of existing and active wells is not yet known.

² See [San Antonio Groundwater Basin Groundwater Sustainability Plan](#).

³ See [Cuyama-Final-GSP-2025-Ch-4-Monitoring-Networks.pdf](#).

General Counsel
Fair Political Practices Commission
Re: Revised Request for Formal Advice on Behalf of Supervisor Hartmann
June 5, 2025
Page 7 of 7

Prior Advice. Please note that the prior advice letter regarding this pipeline was specific to County decisions for permits necessary for inspection and remediation activities under the federal CAOs and litigation against Plains, including settlement agreements, resulting from the 2015 oil spill. (See Year: 2017 Advice Letter # 17-037.) Since that letter, the pipeline has been and is currently inert. If the pipeline that runs near Supervisor Hartmann's property was to rupture as it did in 2015 it could impact her property and the groundwater that serves her property. In addition, Rule 18702.2 has been amended since 2017 with new materiality standards.

Thank you in advance for your help on this matter. Please feel free to call me at (805) 568-2950 or email me directly at rvanmull@countyofsb.org if you require further information to assist you in answering my questions above.

Sincerely,



RACHEL VAN MULLEM
County Counsel
Santa Barbara County

Cc. Supervisor Hartmann
Enc. (1) May 8, 2025 Petition for Writ of Mandate and Complaint – Latham and Watkins LLP
(2) April 11, 2025 Letter- Latham & Watkins LLP



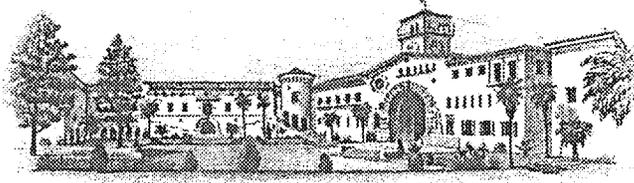
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EXHIBIT 11

COUNTY OF SANTA BARBARA

Michael C. Ghizzoni
County Counsel



105 E. Anapamu Street, Suite 201
Santa Barbara, CA 93101
Telephone: (805) 568-3377 (direct)
FAX: (805) 568-2982

COUNTY COUNSEL

February 6, 2017

By First Class Mail and e-mail to Advice@fpcc.ca.gov

Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Re: Request for Formal Advice on behalf of
Santa Barbara County's Third District
Supervisor, Joan Hartmann

Dear Counsel:

As County Counsel for Santa Barbara County and on behalf of Santa Barbara County Third District Supervisor Joan Hartmann, I am requesting your Formal Advice regarding the conflict provisions of both the Political Reform Act and Government Code § 1090.

The residence owned by Supervisor Hartmann's family is on about 31 acres of land. Discussed in more detail below, "Line 903" is an underground crude oil pipeline operated by Plains Pipeline, LP ("Plains"). Line 903 runs near Supervisor Hartmann's residence, and also runs the entire length of Santa Barbara County. Because of turns in the pipeline's layout, the distances from the closest points of Line 903, to the closest edge of Supervisor Hartmann's parcel, vary from about 50 feet to about 1,000 feet. On her family's 31-acre parcel, the closest distance between Supervisor Hartmann's actual residence and Line 903 is about 750 feet.

As discussed at Page 2, Supervisor Hartmann first took office as Third District Supervisor on January 3, 2017. Neither of the two questions below seeks advice relating to past conduct. (Cal. Code Regs., tit. 2, § 18329(b)(8)(a).)

Questions:

1. Pursuant to the Political Reform Act, may Supervisor Hartmann "make" and "participate in making" County decisions involving Plains?

For example, from potential County decisions to issue permits for excavation and potential repair of parts of this 129.5-mile underground pipeline -- which runs through the entire length of Santa Barbara County and into Kern County -- is any reasonably foreseeable and measurable financial effect on Supervisor Hartmann's family residence "indistinguishable from its effect on the public generally?" (Cal. Code Regs., tit. 2, § 18700(d)(3).)

2. Pursuant to Government Code § 1090 et seq., may Supervisor Hartmann participate in making any potential decisions about the County of Santa Barbara: 1) filing litigation against Plains for any damages that the County has faced from a 2015 oil spill by Plains; and/or 2) entering a litigation settlement agreement with Plains concerning those potential damages?

For example, do you conclude that Supervisor Hartmann's ownership of her family residence would not present a prohibited "personal financial interest" in a potential litigation settlement agreement between the County and Plains, through which the County recovered damages from Plains? (91 Ops.Cal.Atty.Gen. 1 (2008).)

At a public meeting on February 28, 2017, the County's Board of Supervisors is scheduled to receive a briefing about the status of the 2015 oil spill by Plains. It therefore would be very helpful to receive your Formal Advice before February 28th. Thank you in advance for your help.

Summary of Facts: On May 19, 2015, Plains' Line 901 pipeline released more than 100,000 gallons of crude oil onshore, along the Gaviota Coast area of Santa Barbara County. A substantial portion of the oil flowed into the Pacific Ocean. Operations to remove the oil have largely been completed, but monitoring for "recoiling" is still ongoing along part of the coast.

Beginning on May 21, 2015, the federal Pipeline and Hazardous Materials Safety Administration ("PHMSA") issued a series of Corrective Action Orders to Plains, concerning Plains' Line 901 pipeline and Plains' Line 903 pipeline. Line 901 is a 24-inch diameter pipeline, about 10.6 miles long, that transports crude oil, east to west, along the Gaviota Coast. Line 903 is a 30-inch diameter pipeline, about 129.5 miles long, that carries all of Line 901's crude-oil, generally south to north, through the entire length of Santa Barbara County, and then into Kern County. Enclosure (1) includes a map by Plains of its Line 901 and Line 903.

Joan Hartmann was elected to represent Santa Barbara County's Third Supervisorial District. (Gov. Code § 25040; Santa Barbara County Code, § 2-12.) She took that office for the first time on January 3, 2017. The County's Third Supervisorial District includes: the Gaviota Coast that was primarily impacted by the 2015 oil spill; all of the 10.6 miles of Line 901; and about half of Line 903's run through the entire length of Santa Barbara County.

Santa Barbara County does not regulate the *operation* of either Line 901 or Line 903. But, Santa Barbara County is the permit-issuing authority -- for example -- for excavation, backfill and restoration activities associated with the pipeline inspection and remediation actions directed by PHMSA's Corrective Action Orders to Plains. Santa Barbara County has also claimed and recovered from Plains about \$1.9 million for the County's increased costs of public services from the May 2015 oil spill. Santa Barbara County is also a potential litigant against Plains for any other County losses from the oil spill that Plains does not pay voluntarily; among other statutory authorities, the federal Oil Pollution Act of 1990 allows the County to recover from Plains, for example: 1) oil removal costs; 2) damages equal to the net loss of taxes; and 3) damages for the net costs of providing increased public services caused by the oil spill. (33 U.S.C. § 2702(b).)

Please contact me at (805) 568-3377 if you have any questions.

Sincerely,



Michael C. Ghizzoni
County Counsel

Enclosure: (1) Excerpt, "Purging Line 903" brochure by Plains, with map of Lines 901 and 903

Purging Line 903

Purging a pipeline is a standard industry practice that helps to preserve the integrity of a pipeline that is expected to sit idle for some time. In purging a pipeline, the pipeline operator removes the contents of the pipeline – in this case, crude oil – and replaces it with nitrogen, an inert gas.

After obtaining the necessary permits, taking steps to verify the integrity of the line and installing the appropriate equipment to purge the pipeline in phases, Plains Pipeline, L.P., a subsidiary of Plains All American Pipeline, will empty Line 903 of crude oil between Gaviota and Pentland, replacing it with nitrogen. This process will allow Freeport-McMoRan to purge their system of crude oil as well. The purge will be conducted with close oversight from PHMSA and the related permitting agencies. During the purge process, Plains will closely monitor the pipeline right of way and will have first responders on-call to respond if necessary.

The oil from the pipeline will be sent to California refiners for processing. Following the conclusion of purge-related activities, Plains will de-mobilize related equipment and restore the right of way to its previous condition prior to purge activities.

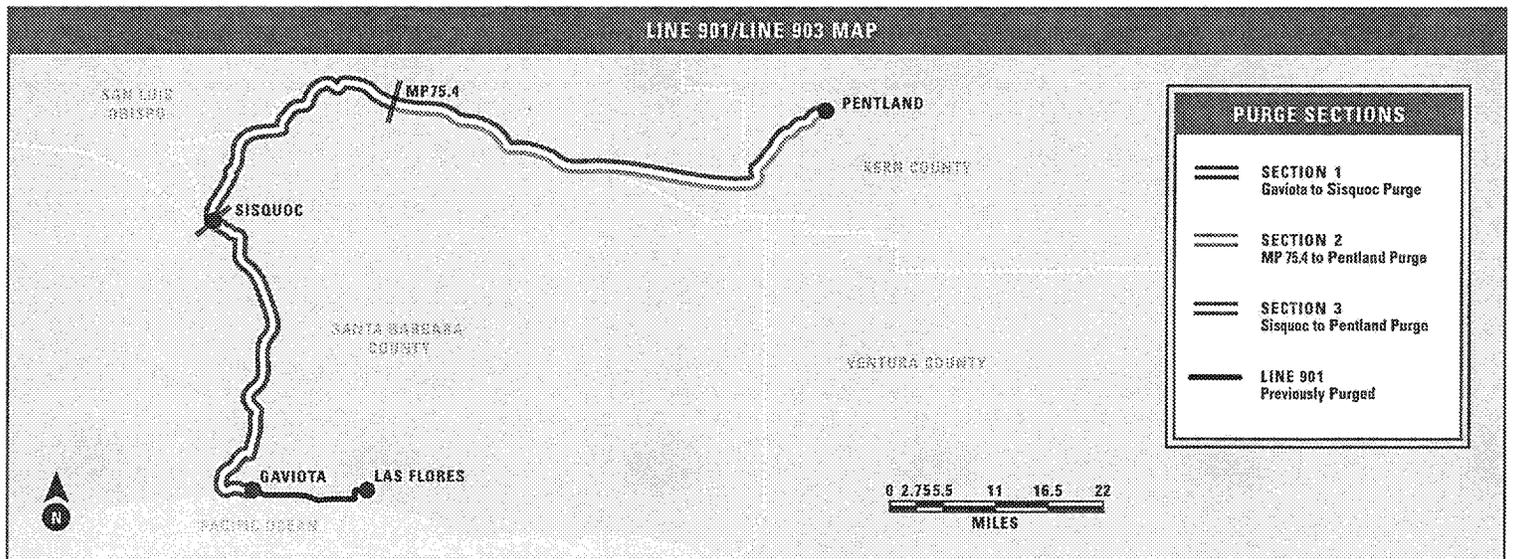
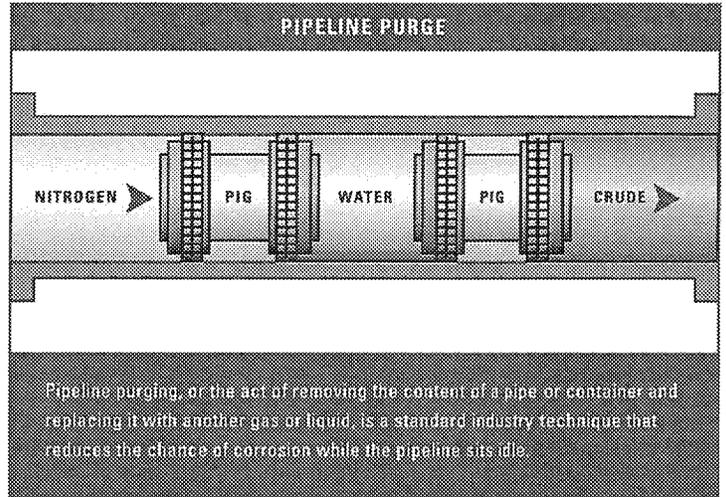


EXHIBIT 12

Message

From: Joan Hartmann [jHartmann@countyofsb.org]
Sent: 1/6/2025 6:39:07 PM
To: John Barron [coolinbuell@gmail.com]
Subject: Re: Sable Oil

John,

As you might imagine, I agree wholeheartedly with you. I have had to recuse myself from any decision making because the pipeline abuts the NE corner of my property. I feel like my hands are tied because of FPPC conflict of interest rules. I am not allowed to approach other members of the Board about this.

Joan

From: John Barron <coolinbuell@gmail.com>
Sent: Friday, January 3, 2025 10:10 AM
To: Joan Hartmann <jHartmann@countyofsb.org>
Subject: Sable Oil

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Supervisor Hartmann,

I am re sending an email I wrote and sent to your office and our other County Supervisors on November 3 stating my deep concern for any permits that would be issued to Sable Oil specifically and their stewardship in reopening the Pt. Arguello pipeline.

I am a 75 yr-old Santa Barbara County native and, like those of us who have resided on the central California coast for long enough to be aware, know that oil production and the sensitivity of our unique and precious coastal environment are a fragile and delicate balance. We are now faced with another company, Sable Offshore, wanting to come in and give us their 'assurances' that protecting this treasure is one of the concerns beyond their bottom line.

The existing pipeline showed its deterioration and lack of maintenance oversight when it was operated by Exxon and the Texas based Great American Pipeline who had supposedly provided an inspection just before the disastrous Refugio blowout in 2015. These companies had a great depth of financial security behind them, something Sable is lacking. The remaining miles of this same pipeline would now presumably be taken over by Sable who doesn't have the track record, proven history of operation nor the depth of financial assurances to safeguard the replacement, inspection and oversight needed for this aging pipeline.

The Point Arguello grade of crude is extremely viscous and requires excessive heating to make it thin enough to pump at great pressure the distance to Las Flores refinery. The very nature of this material wants to escape.

We urge you to take deep consideration and analyze just how responsible assigning protection of one of our most treasured resources would be to a company as flimsy as Sable. [original email sent on Nov. 3]

I am resending this since it ties in with the article in *The Independent* (link attached) which came out yesterday (Jan. 2) and reiterates concerns about replacement vs repair of existing 40+ yr old pipeline, depth of financial resources in addressing any future spills, upgrading to newer standards of construction, installing a more effective inspection system, in handing operations/ownership over to Sable.

https://www.independent.com/2024/12/31/county-stand-up-for-your-rights/?utm_source=ActiveCampaign&utm_medium=email&utm_content=Indy+Today%3A+Sansum%2FSutter+and+Anthem+Reach+Agreement+on+Health+Insurance+Contracts+for+2025&utm_campaign=Indy+Today%2C+Friday+1%2F3&vgo_ee=LD2%2BJlaNSa7U8MZKw1r6o66WPYXLI5vFBclH7Lu5mA%3D%3D%3ATBIlwc9rEMnGsW5daYNCZutHY%2BI8eyf1

Thank you for all you do!
John

John R. Barron

cell/text: 805 588-1954
coolinbuell@gmail.com
www.johnrbarron.com

EXHIBIT 13

Message

From: Gina Fischer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=701800FB05594CBAB8D442A9124091F7-GINA FISCHE]
Sent: 2/27/2025 7:46:51 PM
To: Michelle Cisneros [michellecisneros@dailynexus.com]; eic@dailynexus.com
Subject: RE: FW: Daily Nexus Inquiry

Hi Michelle,

I am so glad the *Daily Nexus* is covering the pipeline issue. I noticed in the comprehensive article you wrote: <https://dailynexus.com/2025-02-26/board-of-supervisors-decision-leaves-county-permits-for-sable-pipeline-in-limbo/> that you wrote Supervisor Hartmann, “abstained from voting due to a conflict of interest because the pipeline is near her home.” To be clear, she did not abstain. She is recused. She was required to recuse for the reasons explained below (the pipeline runs along her home property, so it impacts her differently than others, so the CA Fair Political Practices Commission requires a recusal).

The key difference between abstention and recusal in voting lies in the reason and intent behind the action:

Abstention – A member chooses not to vote on a matter but does so voluntarily, often for reasons such as indecision, political strategy, or lack of sufficient information. Abstentions may still count towards a quorum but typically do not affect the outcome unless specific rules dictate otherwise.

Recusal – A member is required or chooses to abstain due to a conflict of interest or ethical concerns, such as financial ties or personal involvement in the matter being voted on. **Recusal is often mandated** by law, regulations, or ethical standards, and the member usually does not participate in discussion or deliberation related to the issue.

Gina Fischer

Chief of Staff

Office of Supervisor Joan Hartmann
Barbara, CA 93101

☎ 805.319.0498 | ✉ gfischer@countyofsb.org



105 E. Anapamu Street, 4th Floor, Santa

From: Michelle Cisneros <michellecisneros@dailynexus.com>

Sent: Friday, February 7, 2025 1:44 PM

To: Gina Fischer <gfischer@countyofsb.org>

Subject: Re: FW: Daily Nexus Inquiry

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Thank you for your reply, it is greatly appreciated.

-Michelle Cisneros

On Thu, Feb 6, 2025 at 9:09 PM Gina Fischer <gfischer@countyofsb.org> wrote:

Hi Michelle,

Thank you for writing. Our office is recused from participating on matters pertaining to the pipeline because it grazes by Supervisor’s Hartmann’s home in Buellton, therefore, per FPPC rules, it impacts her differently as a decision-maker than other matters. So we can only know what the public knows and cannot influence our colleagues. I recommend

that you reach out to our Chair of the Board, Second District Supervisor Laura Capps to learn more about the upcoming item on Feb. 25.



Gina Fischer

Chief of Staff

Office of Supervisor Joan Hartmann
105 E. Anapamu Street, 4th Floor, Santa Barbara, CA 93101

☎ 805.319.0498 | ✉ gfischer@countyofsb.org

From: Michelle Cisneros <michellecisneros@dailynexus.com>

Sent: Thursday, February 6, 2025 9:25:53 AM

To: Joan Hartmann <jHartmann@countyofsb.org>

Subject: Daily Nexus Inquiry

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Supervisor Hartmann,

My name is Michelle Cisneros and I'm a News editor for the UCSB newspaper, the Daily Nexus. I'm currently reporting on the resolution adopted by the Goleta City Council, opposing the restart of the Sable pipeline and was wondering if there were any plans to adopt a similar resolution or any other information ahead of the Feb. 25 meeting regarding the pipeline. Also, if you had any thoughts on the matter that you are able to share. Please let me know if any clarification is needed on my end.

-Michelle Cisneros

EXHIBIT 14

Message

From: Gina Fischer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=701800FB05594CBAB8D442A9124091F7-GINA FISCHER]
Sent: 2/19/2025 7:50:05 PM
To: billwoodbr@aol.com
Subject: FW: Deny transfer of Exxon pipeline ownership to Sable

Hi Bill,

Thanks for writing. Sorry for the delay in responding. You raise really good points and I'm glad you wrote to us. Unfortunately, the pipeline grazes by Supervisor Hartmann's residence just north of Buellton so she has to recuse from voting on pipeline matters per FPPC rules about conflicts of interest.

Gina Fischer

Chief of Staff

Office of Supervisor Joan Hartmann

Barbara, CA 93101

☎ 805.319.0498 | ✉ gfischer@countyofsb.org



105 E. Anapamu Street, 4th Floor, Santa

From: Bill <billwoodbr@aol.com>
Sent: Monday, February 10, 2025 1:57 PM
To: Joan Hartmann <jHartmann@countyofsb.org>
Subject: Deny transfer of Exxon pipeline ownership to Sable

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Supervisor Hartmann:

Please deny the Sable OBshore Corporation's request for change of ownership and deny re-start of the crude oil pipeline (i.e., the Las Flores Pipeline). I understand the Pacific Pipeline Company remains the legal owner of the Las Flores Pipeline, but Sable would be the "Guarantor and Operator". They are not financially capable of any guarantees and have no plans for emergency containment...they would just declare bankruptcy. I endorse the arguments made by the appellants, the Environmental Defense Center and the Center for Biological Diversity. The Las Flores Pipeline crosses the Santa Ynez River at the Buellton border near the City's River View Park, and it then runs directly under residential neighborhood subdivisions of Meadow View (south of Highway 246) and Sycamore Ranch and Oak Creek (north of Hwy 246). In its current location, the pipeline poses risks that didn't exist when the pipeline was constructed between 1988 and 1991. The land in which the pipeline was buried at that time was vacant land with no housing developments along the pipeline route.

Most all Santa Barbara county residents are concerned about;

- 1) fire from major breakage, e.g., by earthquake or construction related damage, recognizing that the Santa Ynez fault lies close by,
- 2) Slow or abrupt leakage of oil into the Santa River aquifer which is one of the principal sources of the City's water supply.
- 3) Slow or abrupt leakage of oil into the Buellton groundwater aquifer, another primary source of drinking water.
- 4) Vapor leaks, with potential risk of air pollution, explosion or fires.
- 5) Blowouts, leakage, ecological devastation of the badly corroded pipeline in the coastal zone area and likely fires at the Las Flores Station..

To reduce those risks, I ask the Board of Supervisors to deny the Sable OBshore Corporation's request for change of ownership and deny restart of the crude oil pipeline.

In addition to the appellants' complaints and our own concerns about the pipeline, we strongly believe the County's 3rd District Supervisor should be among the BOS decision-makers on this issue. Unless Supervisor Hartmann has a financial stake in one of the multiple oil companies involved in

local oil production, we believe she should be able to represent her constituents. Supervisors don't recuse themselves from deciding an issue such as wildfire risks just because they might live adjacent to vegetation at risk of burning; likewise, all Supervisors (with no financial ties to the oil industry) should be involved in decision making on oil production and management in Santa Barbara County.

We hope and trust that the Board will seriously address these issues and use common sense in arriving at an environmentally safe decision. Otherwise, disaster will inevitably occur.

Thank you,

Bill Woodbridge
Goleta

EXHIBIT 15

Message

From: Gina Fischer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=701800FB05594CBAB8D442A9124091F7-GINA FISCHE]
Sent: 2/25/2025 7:23:35 PM
To: Nancy Tobin [richardb.tobin@icloud.com]
Subject: RE: Deny Permit transfer to Sable Offshore Corporation

Hi Nancy,

Thanks very much for writing and for caring about this important issue. Unfortunately, Supervisor Hartmann is recused from participating in this matter.

The pipeline runs right next to the NE corner of Supervisor Hartmann's property, as such, she is affected by the pipeline in ways that others are not – that is, she is materially affected. The FPPC updated rules about recusal requirements for land use decisions within a boundary of a decision-maker's property.

Gina Fischer
Chief of Staff
Office of Supervisor Joan Hartmann
Barbara, CA 93101
C 805.319.0498 | E gfischer@countyofsb.org



105 E. Anapamu Street, 4th Floor, Santa

From: Nancy Tobin <richardb.tobin@icloud.com>
Sent: Monday, February 24, 2025 5:00 PM
To: Joan Hartmann <jHartmann@countyofsb.org>
Subject: Deny Permit transfer to Sable Offshore Corporation

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

I strongly oppose the transfer of existing permits to Sable Offshore Corporation. I urge you and the Board of Supervisors to deny this transfer. The safety of the existing pipeline infrastructure is critical. This pipeline has a history of failure. Restarting the oil flow poses a significant risk to the Santa Barbara County coastline, its' marine life and to the community.

Thank you,
Nancy Tobin

Nancy Pegues Tobin
Santa Barbara
805.698.9039

Shared joy is double joy. Shared sorrow is half sorrow.
Swedish proverb

Sent from my iPad

EXHIBIT 16

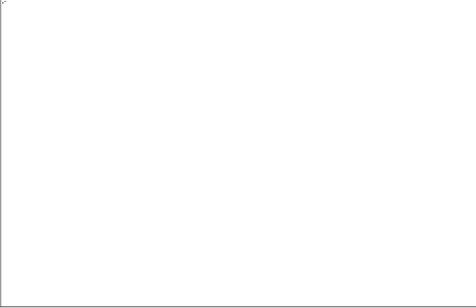
Message

From: Gina Fischer [gFischer@countyofsb.org]
Sent: 4/14/2025 7:20:02 PM
To: alejandro@calmatters.org
Subject: Minor correction on Sable pipeline story

Hi Alejandro:

Thank you so much for your thorough reporting on this important topic in this story:

<https://calmatters.org/environment/2025/04/oil-company-fined-state-orders-pipeline-coastal-commission-sable/>. In reference to the County Supervisor who has to recuse on voting because the pipeline runs near her home property, she legally has to recuse, not abstain. With recusal she is cut off from all internal communication and decision making and has to leave the room when the item is discussed. There a slight technical difference between what a recusal and abstention are.



[Oil company fined record \\$18 million for defying state orders to stop work on pipeline - CalMatters](https://calmatters.org/environment/2025/04/oil-company-fined-state-orders-pipeline-coastal-commission-sable/)

The California Coastal Commission today fined an oil company a record \$18 million for repeatedly defying orders to stop work on a corroded pipeline in Santa Barbara County that caused a major oil spill nearly a decade ago.

calmatters.org

For background:

The FPPC updated rules about recusal requirements for land use decisions within a boundary of a decision-maker's property.

The California Fair Political Practices Commission (FPPC) enforces rules under the **Political Reform Act** to address conflicts of interest, including when decision-makers must recuse themselves from participating in government decisions. The relevant regulation is found in **Title 2, California Code of Regulations, Section 18702.2**.

Rule Description:

Under **Section 18702.2**, decision-makers must recuse themselves from decisions if their property interest is "**materially affected**" by the decision. Specifically, this includes projects or decisions involving property located **within 500 feet** of the official's real property. The threshold for materiality depends on proximity and the potential for the decision to have a direct or reasonably foreseeable financial impact on the value of the property.

Key Provisions:

1. **500-Foot Rule:**

○ If the project is within 500 feet of the official's property boundary, there is a presumption of a material financial effect, requiring recusal.

- However, this presumption can be rebutted if clear and convincing evidence shows no financial effect.
2. **500-1,000 Feet Rule:**
 - If the property is located **between 500 and 1,000 feet**, there is no automatic presumption, but a case-by-case determination is required to assess whether the decision has a material financial impact on the official's property.
 3. **Beyond 1,000 Feet:**
 - Projects beyond 1,000 feet are presumed not to have a material financial effect, though this can be challenged with evidence to the contrary.
 4. **Direct Effects:**
 - The rule applies to decisions involving zoning, permits, or development plans that could alter property values, either positively or negatively.

Recusal Process:

If a decision-maker identifies a conflict of interest:

1. They must publicly announce the conflict and their reason for recusal.
2. They must abstain from participating in the decision or influencing colleagues.

This rule is designed to ensure government officials make decisions that are impartial and free of personal financial bias.



Gina Fischer

Chief of Staff

Office of Supervisor Joan Hartmann

105 E. Anapamu Street, 4th Floor, Santa Barbara, CA 93101

☎ 805.319.0498 | ✉ gfischer@countyofsb.org

EXHIBIT 17

Message

From: Gina Fischer [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=701800FB05594CBAB8D442A9124091F7-GINA FISCHE]
Sent: 7/18/2025 4:15:38 PM
To: Gwyn Lurie-Firestein [gwyn@montecitojournal.net]
Subject: RE: A brief conversation

Hi Gwyn:

Thanks for reaching out. Supervisor Hartmann just started the summer recess and will be out for a few weeks. She can talk after that. Of course we will likely be limited in what can be discussed if the item is still in closed session. Here is a statement she read on Tuesday:

In 2017, on advice of Counsel, I obtained a letter from the FPPC confirming my ability to participate in a decision related to specific remediation actions related to the Plains All American Pipeline.

Since that time, the Fair Political Practices Commission (FPPC) revised its regulations, tightening the distance thresholds that restrict public officials from participating in land use decisions due to potential financial conflicts of interest. Based on the proximity of my residence to the pipeline, it appeared I would be disqualified from participating in related decisions.

Given the ongoing County Board decisions related to the pipeline, we recently sought clarification of my participation in a narrow issue: the transfer of ownership. The FPPC advised that I may participate in this narrow issue.

Gina Fischer
Chief of Staff
Office of Supervisor Joan Hartmann
105 E. Anapamu Street, 4th Floor, Santa Barbara, CA 93101
C 805.319.0498 | E gfischer@countyofsb.org

-----Original Message-----

From: Gwyn Lurie-Firestein <gwyn@montecitojournal.net>
Sent: Thursday, July 17, 2025 9:15 PM
To: Joan Hartmann <jHartmann@countyofsb.org>
Cc: Gina Fischer <gFischer@countyofsb.org>
Subject: A brief conversation

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Hi, Joan. I hope you're enjoying your summer. Are you available tomorrow or anytime over the weekend for a brief conversation regarding recusal and now non-recusal from Sable vote?

Thanks, Gwyn
Sent from my iPhone

EXHIBIT 18

Message

From: Joan Hartmann [jHartmann@countyofsb.org]
Sent: 2/13/2025 4:42:29 PM
To: brandon - Dragonette Cellars [brandon@dragonettecellars.com]
Subject: Re: Public Comment RE: Feb 25th agenda. Please deny Sable transfer requests

Brandon,

I am recused because the pipeline skims my property and my HOA is very concerned that a leak would contaminate our groundwater wells.

I am glad that you have taken the time to share your views with the Board as a whole.

It is a critical issue for the County.

Joan

From: brandon - Dragonette Cellars <brandon@dragonettecellars.com>
Sent: Thursday, February 13, 2025 8:34 AM
To: sbcob <sbcob@countyofsb.org>
Cc: Joan Hartmann <jHartmann@countyofsb.org>
Subject: Public Comment RE: Feb 25th agenda. Please deny Sable transfer requests

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Board of Supervisors:

I am writing today to urge you to deny the transfer of permits from ExxonMobil to Sable.

I am a local resident who first hand experienced the damaging impacts of the Refugio Oil Spill, personally witnessing massive damage to the coastal environment from just north of Refugio all the way down the coast. I watched as the oil spewed into the ocean, saw birds covered in oil, and saw remnants of this spill both in ocean waters and along various beaches from Refugio to El Capitan to Naples for YEARS after the last spill. This spill should serve as a strong reminder of the dangers these old, corroded, pipelines pose.

The proposed transfer does not go nearly far enough to ensure that spills like the Refugio Spill will not happen again. Major reforms in infrastructure and technology must be in place for a permit transfer is even remotely considered. History has clearly shown that the existing pipeline is far too risky, and that oil companies have routinely failed to ensure safety, and have shirked responsibilities every time there has been a spill. Given our local experience, the pipelines should be removed. In order for any oil transport project to be considered along this coast, much more strident safeguards needs to be put in place, something clearly lacking in the proposed transfer plan.

I also include here several other reasons to deny this, well summarized by the EDC:

"• Sable likely cannot afford to cover the cost of remediation if/when another major spill occurs. The public should not have to pay to clean up another spill.

• The Board cannot approve the transfer of permits from Exxon to Sable because Sable has

not met the conditions of the permits. For example, the pipeline does not have the critical corrosion protection technology required by the permits.

- Sable has received notices of violations from three state agencies. The questionable behavior of Sable's management team shows that the Board cannot trust them to responsibly operate this project."

The Gaviota Coast is a treasure in Santa Barbara County, and the environmental diversity and beauty here should be protected above all. This is not a place for oil transportation, and this transfer should be denied.

Sincerely,

Brandon Sparks-Gillis
Solvang

EXHIBIT 19

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Is ExxonMobil Sailing Off into Santa Barbara's Sunset?

Oil Giant Sells Offshore Oil Platforms, Onshore Processing Plant, and 123 Miles of Pipeline

By [Nick Welsh](#)

Wed Nov 09, 2022 | 1:57pm



Credit: Glenn Beltz

Given the South Coast's historic antipathy to the oil industry, one might have expected a few historic gasps in response to the news that ExxonMobil — one of the biggest oil companies on the planet — has decided to sell all its onshore and offshore assets along the Gaviota Coast to a mysterious new entity called Sable Offshore Corporation. To the extent the

news, released last week, qualified as a shot heard around the world, a silencer was clearly involved. Even now, Santa Barbara County energy planners, elected officials and long-term environmental activists are scrambling to figure out what's really afoot and what influence, if any, they can hope to exert over future developments.

One thing's for certain: Exxon's not taking its ball and going home. Its ball remains very much in play, no matter how shut down Exxon's production has been in the wake of the Refugio Oil Spill caused by Plains All American Pipeline in 2015.

Last week, ExxonMobil quietly confirmed the sale of all its assets associated with its Santa Ynez Unit – three offshore platforms, Heritage, Harmony, and Hondo, with 112 wells – its 135-acre production facility along the coast at Las Flores Canyon, and 123 miles of pipeline that ExxonMobil purchased from Plains All American Pipeline just the week before. To make the deal happen, ExxonMobil loaned the new entity 97 percent of the \$643 million Sable paid Exxon, to be paid back over a five-year period at 10 percent interest. Even so, the deal will hit Exxon with a \$2 billion loss. The Santa Ynez Unit is the last production node for Exxon in California.



ExxonMobil has also sold the 123 miles of pipeline it recently purchased from Plains All American Pipeline. | Credit: Paul Wellman (file)

Precipitating the deal in the first place was the Plains pipeline rupture of 2015 that left 3,400 barrels of oil on the beaches by Refugio Canyon. That immediately and effectively shut down the pipeline upon which Exxon depended to get its oil to market.

The company's application to truck the oil instead was shot down by the county supervisors this March by a vote of 3-2. Efforts by Plains All American Pipeline company to secure the necessary permits to build 123 miles of new and technologically superior pipeline that runs along the existing one have, by all accounts, "languished" in the environmental review process, with Plains showing little urgency. Yet another delay has been occasioned by the need for more biological information about bird migration patterns. This information will be provided only after new field research scheduled to take place next spring.

According to Supervisor Joan Hartmann — whose district includes Exxon's facilities — it appears the plan is no longer to install 123 miles of new and improved oil pipelines to replace the ones found to be corroded by federal pipeline safety inspectors. Instead, she said, it appears it is to replace and repair only those portions of the pipeline that have been deemed to be defective.

An application to reactivate the pipeline was made with the California Fire Marshal on April 1, 2021. The application was submitted pursuant to terms of a consent decree between Plains All American Pipeline Company and a multitude of federal regulatory and environmental agencies signed in March 2020 in which Plains agreed to pay \$38 million in fines and penalties while admitting no guilt for their role leading up to the pipeline spill.

Hartmann said she was made aware of the application only recently. It remains uncertain, she added, what influence or oversight — if any — the county would have over the State Fire Marshal's decision. It remains likewise uncertain what role — if any — the public might have in reviewing or commenting.

As to the difference between the two approaches — a new pipeline or repaired one — county energy planner Errin Briggs likened the former to buying a new car and the latter to buying something used. Hartmann added, "If you have a house that's really in bad shape, sometimes the best approach is just to knock it down and start over."

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Federal officials who've been bird-dogging the process behind the scenes caution that the Fire Marshal's review process will not be a piece of cake no matter who the applicant is. Some of the state rules, it turns out, are considerably more stringent than federal safety requirements. But compared to the extensive public review process that would play throughout not just one but three counties under the pipeline replacement approach, the public process offered by California Fire Marshal's office appears to be an impenetrable black box.

In a presentation for prospective investors, Sable Offshore Corporation pledged to get the pipeline up and operating by January 1, 2024. Under the terms of the deal with Exxon, Sable has until January 1, 2026, to begin production. Failing that, the property reverts to Exxon, and the deal is over.

Although the name Sable is new to Santa Barbara, many of the key players behind this deal are anything but — James Flores, Sable's CEO and board chair, being a key case in point. From 2001 to 2013, Flores served as chief executive for the oil company PXP, then operating in federal waters off the coast of Pt. Arguello. Flores and his company proved politically nimble and creative, negotiating a deal with most of the key players in Santa Barbara's sprawling environmental establishment that would have allowed PXP to expand its drilling operations — via slant drilling — into state waters in exchange for an agreement to stop drilling at an earlier date than the company would have been otherwise obligated.

Ultimately, the deal would blow up in the faces of pretty much everyone involved — with both the State Lands Commission and state legislature rejecting the proposal — but it demonstrated that Flores and his crew were willing to try new approaches. Coming along with Flores — who later served three years as CEO for a mining and oil company until 2016 — is a supporting cast who cut their teeth with PXP.

Flores did, in fact, return calls for comment, but said he couldn't speak until early next week.



"This is not necessarily good news for those of us concerned about oil," Supervisor Joan Hartmann said of the Exxon sale to Sable Offshore Corporation. | Credit: Paul Wellman (file)

Attorney Barry Cappello, who represents many property owners enmeshed in heated easement negotiations over the existing and proposed new pipeline, described the conditions of the pipeline as "virtual Swiss cheese, a rust bucket with over 80 serious deficiencies." No matter how politically adroit James Flores and the new Sable team is, Cappello said, "Any project repair or replacement has to get past our federal court case."

"This is not necessarily good news for those of us concerned about oil," commented Supervisor Hartmann. "For Exxon, this is just a drop in the bucket, but for these people, it's everything. I expect them to really buckle down and try to make something happen."

Hartmann noted that the political winds regarding oil development have shifted significantly in recent months in response to the worldwide spike in oil prices precipitated by Russia's war against Ukraine. Governor Gavin Newsom, she noted, relaxed emission standards at the gas pump this past summer, and President Biden, she added, has been clearing the path for more domestic production. Her focus, she said, was transitioning away from fossil fuels and toward greener energy sources.

"It has to happen eventually," she said, "but I'm really worried about today."

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EXHIBIT 20

Drilling could resume where a 1969 oil spill inspired Earth Day

wp [washingtonpost.com/climate-environment/2025/01/02/oil-pipeline-santa-barbara-offshore-drilling](https://www.washingtonpost.com/climate-environment/2025/01/02/oil-pipeline-santa-barbara-offshore-drilling)

Joshua Partlow

January 2, 2025



SANTA BARBARA, Calif. — Jeremy Frankel was camping with his buddies among beachfront palm trees nearly a decade ago when he smelled oil. He watched as black sludge pouring from a drainage pipe smeared the pristine waters off Refugio State Beach before authorities forced him to evacuate.

He would learn later about the oil-covered birds, the dead dolphins and sea lions — [casualties](#) of a [pipeline that ruptured and spilled](#) more than 120,000 gallons of crude oil along the Gaviota Coast, one of the last undeveloped stretches of Southern California oceanfront.

“The full extent will never really be known,” Frankel said as he walked amid those same palms, many of them now teetering and washing away from [winter storms and rising seas](#). He has become a lawyer for the Environmental Defense Center, a Santa Barbara-based nonprofit, and one of the people trying to block an effort to restart that defunct pipeline and boost an offshore oil industry that for years has been fading into the California sunset.

The company behind that effort, Sable Offshore Corp., an independent Houston-based oil and gas company formed in 2020 and whose management team has experience in the California oil industry, said in an [SEC filing](#) on Dec. 19 that it had received a waiver from California's Office of the State Fire Marshal that puts it on a path to restarting early in January.

"We've had decades of safe oil and gas operations," Steve Rusch, the company's vice president of regulatory and environmental affairs, told a Santa Barbara county public hearing in October. "Sable's committed to running the pipeline with state-of-the-art improvements."

Sable's plan — to resume drilling at three offshore platforms and pump oil through a buried pipeline running for miles up the coast — is reopening old wounds in this winsome seaside city. Many places are pro-environment and wary of pipelines. Santa Barbara was the first, with oil spills spawning an environmental ethic that is central to the city's identity.

In 1969, another major spill at an offshore oil platform disgorged 100,000 barrels of crude into the Santa Barbara channel — a catastrophe that helped launch an environmental movement in the United States. It prompted the [first](#) Earth Day, led to the creation of the U.S. Environmental Protection Agency and helped spawn bedrock laws such as the Clean Air Act and the Endangered Species Act.

The pipeline plan looms at a time when many Californians fear backsliding on climate and environmental issues, as President-elect Donald Trump returns to office with promises to "drill baby drill." During his first term, Trump [pushed to expand offshore drilling](#) in California, even as many platforms have stopped producing and the federal government hasn't issued any new offshore oil leases in the state since the 1980s.

Trump's return makes stopping the Sable proposal "more critical for California," said Alex Katz, executive director of the Environmental Defense Center, which was created in response to the 1969 spill. "You've got a federal administration that wants to drill everywhere. This is an opportunity for California to show we're still going to lead on the climate crisis in spite of this administration."

"If California allows this to happen," he added. "I think it would send a really bad message."

Sable says it plans to produce 1 million barrels of crude oil per month from the platforms that have been idled since the 2015 spill. Supporters of the project say restarting operations would boost the local economy — Sable expects to employ some 200 people at the associated facilities — and provide domestic oil produced under strict environmental standards.

"We lost a lot of good people when Exxon Mobil left," Ryan McLeod, an offshore field foreman for Sable, said during the October hearing. "Families that were forced to find lower-paying jobs or simply leave this beautiful area, and now we have an opportunity to bring them back, and Sable is

providing us that opportunity.”

While environmentalists have firmly staked their claim in Santa Barbara, oil's claim was staked even earlier. The country's first offshore oil drilling rig was built in the Santa Barbara channel in the late 19th century. By the 1920s, wooden piers and oil derricks filled the nearshore waters of Summerland, just to the south of Santa Barbara. And large oil platforms were built further out in state and federal waters that pumped crude to shore in a network of pipelines.

But the industry, once so central to the state, has been on a long decline in recent years. Of the 23 remaining offshore oil platforms, eight are no longer functioning, and six are in the process of being decommissioned.

They include Platform Holly, which shut down after the 2015 oil spill at Refugio beach that poured crude into a culvert under Highway 101 and out into the ocean. The spill killed about 550 birds, more than half of them brown pelicans, 150 pinnipeds, mostly California sea lions, and some 75 dolphins, according to a state and federal [damage assessment](#). It also closed beaches and fisheries, and spread oil out to sea and as far south as Los Angeles County, more than 100 miles away.

The [2015 spill](#) “just really was unbelievably traumatic once again,” said Joan Hartmann, a Santa Barbara county supervisor and former environmental lawyer. “You feel such shame, such anguish on the part of our species and what we've done to the natural world.”

Hartmann was a college student, on a premed track, at the time of the 1969 spill. She changed her focus to environmental policy and law. With the Interior Department, she worked on the first regulatory negotiations to set air quality standards for offshore oil equipment; with the EPA, she focused on acid leaching from coal mines.

The 2015 spill, and the hurt it brought back, prompted her to run for a seat on the county board of supervisors and pursue a vision of making Santa Barbara an exemplar of the transition to renewable energy. The Sable pipeline happens to pass along her property line, however, so she is recused from voting on the issue.

“But they can't take away my voice,” she said.

After the 2015 spill, Exxon Mobil halted its operations at three offshore platforms in federal waters — Hondo, Harmony, and Heritage, which make up the Santa Ynez Unit — and the pipeline operator, Plains All American Pipeline, was found guilty of multiple criminal counts by a jury in Santa Barbara County.

Exxon eventually proposed delivering the oil by truck — a plan that Santa Barbara county rejected. In February, Sable [acquired](#) the Santa Ynez unit and pipeline system from Exxon, which loaned the company more than \$600 million for the purchase.

Sable says it has authority to restart under the federal consent decree that came out of litigation following the latest spill.

The waiver by the fire marshal's office, which pertains to pipeline safety measures, must still be approved by the U.S. Pipeline and Hazardous Materials Safety Administration. Additionally, "Sable must still complete numerous other actions" before it can restart the pipeline, according to Christine McMorrow, a Cal Fire spokesperson.

"We appreciate the state Fire Marshal's approval, recognizing our robust safety measures, which go above and beyond state and federal requirements, including the federal court's Consent Decree. By the time of restart, this pipeline will meet more stringent safety requirements than any other pipeline in the state," Sable said in a statement.

Rather than replace the corroded pipeline that burst, as Exxon had initially considered, Sable decided to repair it. The company says it is installing enhanced safety measures, including 27 new emergency shutoff devices, and will conduct inspections more often than required. Before the pipeline restarts, the company says it will conduct pressure tests to ensure it is in "as new" condition.

Moving forward with those repairs — digging up sections of the pipeline to fix about 100 "anomalies" both in the coastal zone and further inland — involved making a deal with landowners along the route. A settlement was reached for Sable to pay \$70 million to about 100 landowners, said Barry Cappello, a lawyer representing the landowners.

"The landowners are very happy with the settlement," Cappello said. "If you own an acre or an acre and a half, you may see a check for 250 grand."

That repair work has generated controversy.

In the fall, drivers started seeing heavy machinery digging up mounds of earth along Highway 101 within view of the Pacific. Brian Trautwein, director of the watershed program for the Environmental Defense Center, documented about 20 sites, most of them in drainages or near streams.

The California Coastal Commission issued Sable a cease-and-desist order in November, as the company did not have a permit for the work and ordered it to fill open pits and control erosion.

Rusch, the Sable official, said during the October [public hearing](#) that the company believed it was conducting permitted repairs under existing approvals, and did so with biologists and archaeologists present. Sable was working with the coastal commission to address their concerns, he said.

Sable said in December that the “matter is ongoing, and we look forward to having it resolved.”

Kevin Loughran lives downslope from one of these sites in a rustic cluster of homes overlooking the ocean. The 76-year-old artist and metalworker resides amid an exuberance of vegetation, lime and macadamia trees, cherimoya and dragonfruit. The four dwellings on his property rely on a well fed by spring water.

The mound of earth excavated at the repair site behind his house has since been filled in and ringed by orange netting, along with a sign: “Warning: Crude Oil Pipeline.” But there is still a swath of loose dirt and rocks that he fears could wash down into his yard and contaminate his well during the winter rains. He does not want to see the pipeline restart.

“I really hope they find it unworkable,” he said. “I don’t know why they’re even trying it.”

In 2024, Santa Barbara County passed an ambitious goal to cut [greenhouse gas emissions](#) by 2030. Hartmann, the county supervisor, said Sable’s operations, if they restart, would account for a big chunk of the county’s total emissions. As for the 2030 goal, she said, it would “blow that to hell.”

“If this operation starts up, it would be the largest emitter in the county,” she said.

But more than anything, opponents in Santa Barbara fear another spill.

A draft environmental analysis prepared for Santa Barbara County in 2024 found that restarting the pipeline could result in a spill once a year and a major rupture every four years, potentially releasing about twice as much oil as during the 2015 spill, even with safety valves to contain it.

Sable described the document as “an uncertified, incomplete and non-peer reviewed draft” that “does not accurately capture the impact of restarting a completely refurbished pipeline to as-new condition.”

For Frankel and other environmentalists in Santa Barbara, it’s another reminder of the dangers of dredging up more oil in this place where so much has already spilled.

“No one thought anyone would actually try to restart this pipeline,” Frankel said.

Paid Promoted Stories

[Cardiologist: Strong Arms After 60 Comes Down To This Ultra Health Findings](#)

EXHIBIT 21

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STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA
BOARD OF SUPERVISORS

- DAS WILLIAMS, Chair, First District
- LAURA CAPPS, Second District
- JOAN HARTMANN, Third District
- BOB NELSON, Fourth District
- STEVE LAVAGNINO, Vice Chair, Fifth District

- MONA MIYASATO, County Executive Officer

TRANSCRIPT OF AUDIO RECORDED MEETING EXCERPT

Item No. 2

Tuesday, September 19, 2023

9:00 a.m.

Transcribed By:
TERRI NESTORE
CSR No. 5614, RPR, CRR

Job No. 6135489

1 CHAIR WILLIAMS: We are reconvening from closed
2 session. Can County Counsel give us a report for closed
3 session?

4 MS. VAN MULLEM: Thank you, Mr. Chair, members of
5 the Board. The Board met in closed session on three items
6 of existing litigation: Community Association for the
7 Modoc Preserve vs. the County; County vs. Rosser
8 International; and S.J. Amaroso Construction vs. the
9 County; and one item of labor negotiations for Santa
10 Barbara County Deputy Sheriff's Association.

11 The Board took no reportable action.

12 CHAIR WILLIAMS: Supervisor Hartmann.

13 SUPERVISOR HARTMANN: Yes, I'd like to make an
14 announcement. The next item, the pipeline runs directly
15 adjacent to the northeast corner of my property, so due to
16 conflict of interest potential, I need to recuse myself
17 and I'll leave now.

18 CHAIR WILLIAMS: Thank you, Supervisor.

19 We are, as the supervisor indicated, we are on to
20 Departmental Item No. 2.

21 THE CLERK: Chair Williams and members of the
22 Board, Departmental Item No. 2 is from the Planning and
23 Development Department. It is a hearing to consider
24 recommendations regarding appeal of the Planning
25 Commission's approval of the change of ownership, change

Page 2

1 of guarantor and change of operator for the Las Flores
2 Pipeline System (formerly Plains All American Lines
3 901/903). This is in the First, Third and Fourth
4 Districts.

5 DIRECTOR PLOWMAN: Mr. Chair, members of the
6 Board, good afternoon. As Ms. Alexander indicated, this
7 is an appeal of Planning Commission approval of the change
8 of ownership, operator and guarantor for the former All
9 American Plains Pipeline. And today we have John
10 Zorovich, Deputy Director; We have Errin Briggs,
11 Supervising Planner; and we have Jacqueline Ybarra online
12 who will be giving the presentation. So with that, I'd
13 like to transition it to staff.

14 MS. YBARRA: Great. Thank you, Director Plowman.

15 Good afternoon, Chair Williams, supervisors,
16 staff and members of the public. I'll be presenting on
17 behalf of Planning and Development staff for the appeal of
18 the Planning Commission's approval of the change of owner,
19 guarantor and operator of the Las Flores Pipeline System.

20 Next slide, please.

21 So this case is through the Energy Division, as
22 Director Plowman stated, represented in the hearing room
23 today by John Zorovich and Errin Briggs, and by myself
24 online. The appellant in this case is Grey Fox class
25 members, represented by Mr. Barry Cappello; and the

EXHIBIT 22

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SABLE OFFSHORE CORP., *et al.*,

Petitioners/Plaintiffs,

v.

COUNTY OF SANTA BARBARA, *et al.*,

Respondents/Defendants,

and

ENVIRONMENTAL DEFENSE

CENTER, *et al.*

Intervenors.

No. CV 25-4165-DMG (AGRx)

**ORDER RE CROSS-MOTIONS FOR
SUMMARY JUDGMENT [36] [43]**

1 Petitioners/Plaintiffs Sable Offshore Corp. (“Sable Offshore”), Pacific Pipeline
2 Company (“PPC”), and Pacific Offshore Pipeline Company (“POPCO”) (collectively,
3 “Sable”) filed applications seeking the transfer of Final Development Permits (“FDP”) to
4 Sable from Petitioners/Plaintiffs Exxon Mobil Corporation (“ExxonMobil”), Mobil
5 Pacific Pipeline Company (“MPPC”), and ExxonMobil Pipeline Company (“EMPCo”)
6 (collectively, “Exxon Mobil Affiliates”). Petitioners seek a writ of mandate following the
7 Santa Barbara County Board of Supervisors’ (the “Board”) tie vote on the appeal of the
8 Santa Barbara County Planning Commission’s (the “Planning Commission”) decision to
9 approve the transfer of FDPs pursuant to Santa Barbara County Code Chapter 25B
10 (hereinafter “Chapter 25B”). Respondents/Defendants are the Board and the County of
11 Santa Barbara (the “County”).

12 Before the Court are two cross-motions for summary judgment (“MSJ”), brought
13 by Petitioners [Doc. # 36-1 (“Petitioners MSJ”)] and by Intervenors Environmental
14 Defense Center (“EDC”), Get Oil Out! (“GOO!”), Santa Barbara County Action Network
15 (“SBCAN”), Sierra Club, and Santa Barbara Channelkeeper (“SBCK”) [Doc. # 43-1
16 (“Intervenors MSJ”)]. Both motions are fully briefed. [Doc. ## 40 (“County’s
17 Response”), 46 (“Petitioners Opp.”), 47 (“Intervenors Reply”).]

18 Pursuant to the Petitioners and Respondents’ proposed bifurcated schedule which
19 was ordered by the Court [Doc. ## 17, 24], these cross-motions for summary judgment
20 solely address the Petition/Complaint’s first and second claims for relief for writ of
21 mandate pursuant to California Code of Civil Procedure section 1085 and third claim for
22 relief for writ of administrative mandate pursuant to California Code of Civil Procedure
23 section 1094.5. [Doc. ## 1, 17.] At the center of this dispute is the proper interpretation
24 of Santa Barbara County Code Chapter 25B. The Court held a hearing on September 12,
25 2025. Having duly considered the parties’ written submissions and oral argument, the
26 Court **GRANTS in part and DENIES in part** Petitioners’ MSJ and **GRANTS in part
27 and DENIES in part** the Intervenors’ MSJ for the following reasons.

28

I.

FACTUAL AND PROCEDURAL BACKGROUND¹

A. The Facilities, Pipeline, and FDPs

The POPCO facility and Santa Ynez Unit (the “facilities”) are onshore oil and gas production and transportation facilities located in Santa Barbara County and connected to offshore platforms Hondo, Harmony, and Heritage in the Santa Barbara Channel. County Staff Report Admin Record (“A.R.”) 15–17 (Vol. 1 at 20–22) [Doc. # 13-1].² The POPCO facility is an onshore gas production facility located in Las Flores Canyon. County Staff Report A.R. 17 (Vol. 1 at 22). The Santa Ynez Unit (“SYU”), as referred to here, consists of the onshore oil processing facility also located in Las Flores Canyon. *Id.* The Las Flores Pipeline (the “pipeline”), formerly known as the Plains All American Pipeline, transports oil produced from the SYU to the Pentland Station in Kern County. *Id.*

FDPs can be transferred for change of owner, operator, or guarantor. County Code §§ 25B-2, 25B-4(e), (f), (g). The transfer applications at issue are: (1) the SYU (FDP No. 87-DP-32cz) from ExxonMobil to Sable (owner, operator, and guarantor; (2) the POPCO facility (FDP No. 93-FDP-015 and 74-CP-11) from ExxonMobil Corporation to Sable (operator and guarantor); and (3) the pipeline (FDP Nos. 88-DPF-033 (RV01)z, 88-CP-60 (RV01), 88-DPF-25cz, 85-DP-66cz, 83-DP-25cv) from EMPCo to Sable (operator) and ExxonMobil to Sable (guarantor). County Staff Report A.R. 16 (Vol. 1 at 21); A.R. 162 (Vol. 1 at 167).

¹ The facts in this section are drawn from the Administrative Record, except where otherwise indicated. The Court has reviewed the entire record [Doc. ## 13, 28, 33] but only discusses the facts that are necessary to or affect its analysis.

² All citations to the A.R. herein will have the following format: Bates Citation (Volume Number at CM/ECF Page Number). All other citations to the docket will refer to the page numbers inserted by the CM/ECF system. Any citations to Volumes 12 and 13 refer to the Amended Volumes. *See* Doc. # 28 (noticing amendment due to document malformations).

1 **B. The Refugio Spill and Sable**

2 On May 19, 2015, a section of the Las Flores Pipeline ruptured and released oil on
3 land, beaches, and into the ocean near Refugio State Beach (hereinafter the “Refugio
4 Spill”). County Staff Report A.R. 19 (Vol. 1 at 24). Following the spill, the pipeline was
5 shut down, purged, and isolated, and the facilities were shutdown. *Id.* A.R. 19–20 (Vol. 1
6 at 24–25). The FDPs remain active. *Id.* A.R. 17 (Vol. 1 at 22).

7 Sable Offshore, led by Chief Executive Officer Jim Flores, was initially formed as
8 several special purpose entities for the purpose of evaluating the opportunity to acquire
9 the SYU assets. Appellants Board Comment Letter A.R. 3203 (Vol. 11 at 1061) [Doc. #
10 13-11]. On February 14, 2024, Sable Offshore acquired the facilities and the pipeline
11 from the Exxon Mobil Affiliates. County Staff Report A.R. 18 (Vol. 1 at 23); Appellants
12 Board Comment Letter A.R. 3204 (Vol. 11 at 1062). It also acquired PPC, which owned
13 the pipeline. *Id.* A.R. 3204 (Vol. 11 at 1062). To fund the \$625,000,000 acquisition,
14 Sable secured an approximately \$622,000,000 loan from Exxon. *Id.* A.R. 3200 (Vol. 11
15 at 1058).

16 **C. Chapter 25B**

17 Chapter 25B governs the transfer of FDPs. County Code § 25B. The purpose of
18 Chapter 25B is:

19 to protect public health and safety, and safeguard the natural resources and
20 environment of the county of Santa Barbara, by ensuring that safe operation,
21 adequate financial responsibility, and compliance with all applicable county
22 laws and permits are maintained during and after all changes of owner,
23 operator or guarantor of certain oil and gas facilities.

24 County Code § 25B-1. Any change in owner, operator, or guarantor, requires application
25 and approval by the County. County Code §§ 25B-2, 25B-4(e), (f), (g).³

27 ³ Applications for change of operator are under the jurisdiction of the Planning Commission.
28 County Code § 25B-8(b). Applications for change of owner and guarantor are under the jurisdiction of

1 **1. Operator**

2 The Planning Commission “shall approve or deny any application to transfer a
3 permit for change of operator.” County Code § 25B-8(b)(1). A public hearing is
4 required. County Code § 25B-8(b)(3). “Prior to approval,” the Planning Commission
5 “shall make all findings required . . . and shall take all actions necessary [].” County
6 Code § 25B-8(b)(2). County Code section 25B-10 states that the Planning Commission
7 “shall approve an application for change of operator only if the [Planning Commission]
8 makes the following findings.” The section lists nine findings: (1) fees and exactions,
9 (2) financial guarantees, (3) acceptance of permit, (4) facility safety audit, (5) compliance
10 with existing requirements, (6) compliance plans, (7) transitional plan, (8) emergency
11 response plan drills, (9) operator capability. County Code §§ 25B-10(a)(1)–(9).

12 **2. Owner**

13 The Planning Commission⁴ “shall approve or deny any application to transfer a
14 permit for . . . change of ownership.” County Code § 25B-8(a)(1)(a). “Prior to approval
15 of such application, the [Planning Commission] shall make all findings required . . . and
16 shall take all actions necessary” County Code § 25B-8(a)(2). The Planning
17 Commission “shall approve an application for a change of owner only if the [Planning
18 Commission] makes the following findings:” (1) fees and exactions, (2) financial
19 guarantees, (3) acceptance of permit, (4) facility safety audit, and (5) compliance with
20 existing requirements. County Code §§ 25B-9(a), (a)(1)-(5). The financial guarantees
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23 the Santa Barbara County Director. County Code §§ 25B-3, 25B-8(a). Where, as here, an application
24 includes components under both the Planning Commission and the Santa Barbara County Director’s
25 jurisdiction, the application may be processed with a combined application and decided by the Planning
26 Commission. County Code § 25B-8(c). The Court will therefore refer to the Planning Commission as
27 the decisionmaker for changes of owner and guarantor in the combined application at hand.

28 ⁴ Changes of owner and guarantor do not require a public hearing. County Code § 25B-8(a)(3).
But because Sable made a combined application and the Planning Commission handled all three
components, the Planning Commission was required to hold a public hearing. *See* County Code § 25B-
8(b)(3).

1 finding for change of owner is identical to the financial guarantees finding for change of
2 operator. *Compare* County Code §§ 25B-9(a)(2) *with* 25B-10(a)(2).

3 **3. Guarantor**

4 The Planning Commission “shall approve an application . . . for a change in
5 guarantor only if the [Planning Commission] makes the following finding” with regard to
6 financial guarantees: “[t]he proposed guarantor has provided all necessary instruments
7 or methods of financial responsibility approved by the county and necessary to comply
8 with the permit and any county ordinance.” County Code §§ 25B-9(e), (e)(1).

9 **4. Appeals**

10 Decisions by the Planning Commission may be appealed to the Board by the
11 applicant or any interested person adversely affected by such decision. County Code §
12 25B-12(b)(1). In the appeal, the appellant must “state specifically” how the Planning
13 Commission’s decision is “inconsistent with the provisions or purposes of this chapter”
14 or “there was an error or abuse of direction” by the Planning Commission. County Code
15 § 25B-12(b)(2). The Planning Commission transmits to the Board copies of the
16 application and “a statement of findings setting forth the reasons for the planning
17 commission’s decision.” County Code § 25B-12(b)(3). The Board’s hearing “shall be de
18 novo” and the Board “shall affirm, reverse, or modify the planning commission’s
19 decision at a public hearing.” County Code § 25B-12(b)(4). The hearing must be
20 noticed. *Id.*

21 **D. Sable’s Applications to the Planning Commission**

22 On March 14, 2024, Sable submitted a combined application to the Planning
23 Commission for change of owner, operator, and guarantor of the FDPs. SYU Application
24 A.R. 240 (Vol. 1 at 245); POPCO Facility Application A.R. 254 (Vol. 1 at 259); Pipeline
25 Application A.R. 269 (Vol. 1 at 274). Under Chapter 25B, if an application is found
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1 incomplete, County Staff⁵ issue a notice of incompleteness and the applicant shall
2 provide “any additional information” required through an incompleteness letter. County
3 Code § 25B-8(d). Sable was required to supplement its applications in response to
4 notices of incompleteness three times. A.R. 284 (Vol. 1 at 289); A.R. 294 (Vol. 1 at
5 299); A.R. 307 (Vol. 1 at 312).

6 The County Staff deemed Sable’s application complete on July 30, 2024. County
7 Staff Report A.R. 18 (Vol. 1 at 23). The County Staff found that Sable had satisfied the
8 requirements under Chapter 25B and recommended the Planning Commission approve
9 Sable’s applications. County Staff Presentation A.R. 1985 (Vol. 10 at 234) [Doc. # 13-
10 10]. The Planning Commission held a public hearing on October 30, 2024. A.R. 2170
11 (Vol. 11 at 28). The Planning Commission, by a vote of three to one, made the required
12 findings for approval under Chapter 25B and approved the change of owner, operator,
13 and guarantor for the facilities and pipeline. A.R. 2170 – 2171 (Vol. 11 at 28-29). In a
14 letter to Sable, the Planning Commission attached its findings of approval. A.R. 2172 –
15 2184 (Vol. 11 at 30–42).

16 **E. The Appeal to the Board**

17 On November 7, 2024, Intervenors EDC, GOO!, and SBCAN (hereinafter
18 “Appellants”),⁶ filed an appeal of the Planning Commission’s approval.⁷ Appeal Letter
19 A.R. 2058 (Vol. 10 at 307). They previously submitted a comment letter with the same
20 concerns to the Planning Commission. Planning Commission Comment Letter A.R. 1867
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22
23 ⁵ Although Chapter 25B states the Director will issue the notice of incompleteness, the County
24 Staff Report states the County Staff were responsible for deeming the application complete. County
25 Staff Report A.R. 18 (Vol. 1 at 23). In Sable’s incompleteness letters, it also refers to the County as the
26 notice issuer. *See, e.g.*, A.R. 284 (Vol. 1 at 289).

27 ⁶ Appellants did not include Intervenors Sierra Club and SBCK. A.R. 2058 (Vol. 10 at 307).
28 The Sierra Club and SBCK retained EDC to represent them following the appeal. A.R. 3200 (Vol. 11 at
1058).

⁷ The Center for Biological Diversity and the Wishtoyo Foundation filed a separate appeal. A.R.
2050 (Vol. 10 at 299). Because that appeal is not at issue in this action, the Court will not address it.

1 (Vol. 10 at 116). Appellants argued the Planning Commission made findings
2 unsupported by evidence, plainly controverted by evidence, and/or inconsistent with
3 Chapter 25B. Appeal Letter A.R. 2059 (Vol. 10 at 308).

4 **F. The Board Hearing and Tie Vote**

5 The Board held a public hearing on February 25, 2025. A.R. 2949 (Vol. 11 at
6 807). County Staff recommended the Board deny the appeal. Board Agenda Letter A.R.
7 2953 (Vol. 11 at 811). The Board has five members, one for each district: Roy Lee,
8 Laura Capps, Joan Hartmann, Bob Nelson, and Steve Lavagnino. A.R. 2927 (Vol. 11 at
9 785). Hartmann recused herself. Board Hearing Minute Order A.R. 6755 (Vol. 21 at 11)
10 [Doc. # 13-21]. The hearing lasted over five hours with almost 100 public comments.
11 Board Hearing Minute Order A.R. 6753 – 6754 (Vol. 21 at 9–10). County Staff (Hearing
12 Transcript A.R. 6965 – A.R. 6975 (Vol. 21 at 221–231)), EDC for Appellants (Hearing
13 Transcript A.R. 6987 – A.R. 6992 (Vol. 21 at 243–248)), and Sable (Hearing Transcript
14 A.R. 7013 – A.R. 7023 (Vol. 21 at 269–279)) each spoke and answered questions from
15 the Board.

16 As documented in the Minute Order following the Board Hearing, Lavagnino
17 made a motion, seconded by Nelson, to: (1) deny the appeals; (2) “[make] the required
18 findings for approval” for change of owner, operator, and guarantor; (3) approve, and (4)
19 “grant[] de novo approval” of the change of owner, operator, and guarantor. Board
20 Hearing Minute Order A.R. 6755 (Vol. 21 at 11). The motion “failed” at the first stage,
21 with Nelson and Lavagnino voting in favor of denying the appeals and Lee and Capps
22 voting to uphold the appeals. Board Hearing Minute Order A.R. 6755 (Vol. 21 at 11);
23 Hearing Transcript A.R. 7140 (Vol. 21 at 396) (Nelson), A.R. 7137 (Vol. 21 at 393)
24 (Lavagnino), A.R. 7138 (Vol. 21 at 394) (Lee), A.R. 7142 (Vol. 21 at 398) (Capps), A.R.
25 7143 (Vol. 21 at 399) (“Motion fails two to two”).

26 As the Supervisors voted, they articulated the basis behind their votes. Lee
27 remarked the “restart” of the pipeline was an “insane” and “very bad” idea and voted to
28 uphold the appeals “because that’s the right thing to do.” Hearing Transcript A.R. 7137 –

1 7138 (Vol. 21 at 393–394). Capps, “within the narrow confines” of the FDP transfer, and
2 related to the Board’s “fiscal oversight” and “fiscal responsibility” to the County’s
3 budget, concluded she lacked the “reassurance of fiscal stability” in evaluating the FDP
4 transfers. A.R. 7140 – 7142 (Vol. 21 at 396–398). Capps identified three “red flags,” or
5 reasons, in support of her position: Sable had to obtain a loan from Exxon in order to
6 purchase the facilities and pipeline, Sable did not show the Board the insurance policy,
7 and the California Coastal Commission issued notices of violation against Sable around
8 five to six months after Sable filed their applications at issue here. *Id.* A.R. 7140 – 7142
9 (Vol. 21 at 396–398); *see* Planning Commission Comment Letter A.R. 1889 – 1890 (Vol.
10 10 at 138–139), A.R. 1908 (Vol. 10 at 157), A.R. 1969 (Vol. 10 at 218).

11 Once the first motion failed, County Counsel advised the Board members that they
12 did not need to reach the next step of making factual findings or granting *de novo*
13 approval of the transfers of the FDPs. Hearing Transcript A.R. 7143 (Vol. 21 at 399); *see*
14 *also* Board Agenda Letter A.R. 2953 (Vol. 11 at 811) (recommending findings of fact
15 and *de novo* approval as subsections “b” and “d” following subsection “a” denial of the
16 appeal). County Counsel recommended the Board make a conceptual motion to uphold
17 the appeals. Hearing Transcript A.R. 7143 (Vol. 21 at 399). A conceptual motion was
18 made by Capps, seconded by Lee, to uphold the appeals. A.R. 6755 (Vol. 21 at 11). The
19 motion again “failed,” as Nelson and Lavagnino voted against it. A.R. 6755 (Vol. 21 at
20 11); Hearing Transcript A.R. 7144 (Vol. 21 at 400) (“Motion fails two to two”).

21 **G. Sable’s Letters Following the Vote**

22 On February 26, 2025, one day after the Board hearing, Sable sent the Director a
23 letter requesting the County transfer the FDPs. A.R. 6771 – 6773 (Vol. 21 at 27–29).
24 Sable asserted the legal outcome of the tie vote was that it let the Planning Commission’s
25 approval stand, and therefore the County should transfer the FDPs. A.R. 6772 (Vol. 21 at
26 28). On March 1, 2025, EDC sent a letter to the Board in opposition. A.R. 6774 – A.R.
27 6778 (Vol. 21 at 30–34). EDC argued the tie vote constituted “no action,” which
28 effectively resulted in denial of the FDP applications. A.R. 6775 (Vol. 21 at 31). On

1 April 11, 2025, Sable sent a second letter with a request that the County transfer the FDPs
2 and accompanied it with a threat to commence litigation for a writ of mandate. A.R.
3 6768 – 6770 (Vol. 21 at 24–26).

4 At the time of the vote during the public hearing, Capps asked County Counsel
5 what the “potentially odd result” of the tie vote was. A.R. 7144 (Vol. 21 at 400). County
6 Staff answered that “in order for the board to take any action, the board needs a majority
7 vote. . . . So, on a tie vote, that’s no action of the board.” Hearing Transcript A.R. 7144
8 (Vol. 21 at 400). Following Sable’s second letter, the Board went into closed session on
9 April 16, 2025 to discuss the County’s exposure to litigation regarding the FDPs. A.R.
10 6783 (Vol. 21 at 39). The action summary reflects the Board did not take any reportable
11 action following the closed session. A.R. 6783 (Vol. 21 at 39). To date, the County has
12 not taken any relevant subsequent action such as transferring the FDPs or holding a
13 second public hearing and vote. *See also* Response at 10.

14 **H. Petitioners File Suit**

15 On May 8, 2025, Petitioners filed the instant lawsuit against Respondents. [Doc. #
16 1.] On July 25, 2025, the Court granted the Intervenors’ Motion to Intervene. [Doc. #
17 39.] The cross-MSJs seek summary adjudication of the Complaint’s first and second
18 claim for relief for writ of mandate pursuant to California Code of Civil Procedure
19 section 1085 and third claim for relief for writ of administrative mandate pursuant to
20 California Code of Civil Procedure section 1094.5.

21 **I. Requests for Judicial Notice (“RJNs”)**

22 Petitioners and Intervenors filed Requests for Judicial Notice (“RJN”). Petitioners
23 request notice of: (1) a transcript of the Board’s hearing on September 19, 2023
24 regarding the transfer of these FDPs to the Exxon Mobile Affiliates; (2) the County’s
25 agenda for the September 19, 2023 hearing; (3) the minute order following the September
26 19, 2023 hearing. [Doc. # 36-3 (“Petitioners RJN”).] The transcript is a record of an
27 agency’s public hearing and the agenda and minute order are public records of agency
28 action. *Coal. for a Sustainable Delta v. Fed. Emergency Mgmt. Agency*, 812 F. Supp. 2d

1 1089, 1093 (E.D. Cal. 2011); Fed. R. Evid. 201(b). The Court therefore **GRANTS**
2 Petitioners’ RJN.

3 Intervenor’s request notice of : (1) a 2025 letter from the California Fair Political
4 Practices Commission (“FPPC”) regarding Board Supervisor Hartmann; (2) Santa
5 Barbara County Code Chapter 25B; (3) Santa Barbara County Planning and Development
6 Department’s Land Use Appeal Application Form; and (4) a transcript of the Board’s
7 hearing on August 22, 2023. [Doc. ## 43-6 (“Intervenor’s RJN”), 46-1, 47-2.]

8 The Court can take judicial notice of regulations and therefore **GRANTS in part**
9 Intervenor’s RJN as to Chapter 25B. *See Roemer v. Board of Public Works of Maryland*,
10 426 U.S. 736, 743 n.2 (1976) (taking judicial notice of state regulations); Fed. R. Evid.
11 201. The FPPC letter is a public record posted on a public agency’s official website and
12 is not subject to reasonable dispute. *Coal. for a Sustainable Delta*, 812 F. Supp. 2d at
13 1093; Fed. R. Evid. 201(b). Intervenor’s RJN is **GRANTED in part** as to the letter.
14 Judicial notice is taken to prove the public record’s existence and content, but not for the
15 truth of the matters asserted therein. *Coal. for a Sustainable Delta*, 812 F. Supp. 2d at
16 1093. The remainder of Intervenor’s RJN is **DENIED as moot** as the Court did not rely
17 upon this evidence. Because the Court grants Intervenor’s RJN as to the 2025 letter,
18 Petitioners’ Alternative RJN for a 2016 letter from the FPPC regarding Hartmann is
19 **GRANTED** for the same reasons. [Doc. # 46-4 (“Alternative RJN”).]

20 The Court also takes *sua sponte* judicial notice of the Procedural Rules Governing
21 Planning, Zoning and Subdivision Hearings Before the Board of Supervisors and
22 Planning Commission (Santa Barbara County Res. No. 91-333) (hereinafter “Governing
23 Procedural Rules”). Resolution 91-333 is posted on the Santa Barbara County website
24 and is a public record. *See Coal. for a Sustainable Delta*, 812 F. Supp. 2d at 1093; Fed.
25 R. Evid. 201(b).

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II.
LEGAL STANDARD

Summary judgment should be granted “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a); *accord Wash. Mut. Inc. v. United States*, 636 F.3d 1207, 1216 (9th Cir. 2011). Material facts are those that may affect the outcome of the case. *Nat’l Ass’n of Optometrists & Opticians v. Harris*, 682 F.3d 1144, 1147 (9th Cir. 2012) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)). Where the issues before the Court are questions of law, the case is particularly “well suited” for summary judgment. *Del Real, LLC v. Harris*, 966 F. Supp. 2d 1047, 1051 (E.D. Cal. 2013); *see also Asuncion v. Dist. Dir. of U.S. Immigration & Naturalization Serv.*, 427 F.2d 523, 524 (9th Cir. 1970).

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A. California Code of Civil Procedure Section 1085

A traditional writ of mandate under California Code of Civil Procedure section 1085 “is used to compel a public entity to perform a legal and usually ministerial duty.” *Move Eden Hous. v. City of Livermore*, 100 Cal. App. 5th 263, 272 (2024) (quoting *Schmid v. City & Cnty. of San Francisco*, 60 Cal. App. 5th 470, 484–485 (2021); Cal. Civ. Proc. Code § 1085.⁸ A writ of mandate under Code 1085 is available “where the petitioner has no plain, speedy and adequate alternative remedy; the respondent has a clear, present and usually ministerial duty to perform; and the petitioner has a clear, present and beneficial right to performance.” *Conlan v. Bonta*, 102 Cal. App. 4th 745, 752 (2002).

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⁸ Section 1085(a) states: “A writ of mandate may be issued by any court to any inferior tribunal, corporation, board, or person, to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled, and from which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.” Cal. Civ. Proc. Code § 1085(a).

1 **B. California Code of Civil Procedure Section 1094.5**

2 California Code of Civil Procedure section 1094.5, writ for administrative
3 mandamus, “provides the procedure for judicial review of adjudicatory decisions
4 rendered by administrative agencies.” *Schmid*, 60 Cal. App. 5th at 483. Section 1094.5
5 applies to decisions made by agencies resulting from proceedings where “a hearing is
6 required to be given, evidence is required to be taken, and discretion in the determination
7 of facts is vested in the inferior tribunal, corporation, board, or officer.” Cal. Civ. Proc.
8 Code § 1094.5(a). These administrative proceedings are quasi-judicial in character.
9 *Bright Dev. v. City of Tracy*, 20 Cal. App. 4th 783, 793 (1993). The reviewing court
10 looks to see whether the required findings are supported by the evidence. *Id.* The inquiry
11 under section 1094.5 is “whether the respondent has proceeded without, or in excess of,
12 jurisdiction; whether there was a fair trial; and whether there was any prejudicial abuse of
13 discretion.” Cal. Civ. Proc. Code § 1094.5(b).

14 **III.**

15 **DISCUSSION**

16 **A. First Claim for Relief: Traditional Writ of Mandate Under Section 1085**

17 Petitioners’ first claim for relief turns on the legal effect of the Board’s tie vote on
18 the Planning Commission’s approval of Sable’s FDP applications. *See* Petitioners MSJ at
19 14; Intervenors MSJ at 12. Petitioners argue the Board was not required to issue its own
20 findings or take direct action to approve the FDP transfers, and therefore the tie vote
21 leaves the appealed Planning Commission decision intact, similar to a tie vote in an
22 appellate court. Petitioners MSJ at 14. Intervenors contend that because the hearing
23 before the Board was *de novo*, the tie vote constitutes “no action” and effectively
24 functions as a denial. Intervenors MSJ at 12–13. Respondents decline to take a position
25 on the tie vote. Response at 8. Instead, Respondents provide a general overview of
26 applicable law, conclude the effect of the tie vote is unclear, and defers to the Court.
27 Response at 16.

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1 “As a general rule an even division among members of an administrative agency
2 results in no action.” *Lopez v. Imperial Cnty. Sheriff’s Off.*, 165 Cal. App. 4th 1, 4 (2008)
3 (quoting *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152, 1176 (1996) (quoting
4 *Graves v. Comm’n On Pro. Competence*, 63 Cal. App. 3d 970, 976–977 (1976))). This
5 general rule, however, is subject to an exception dependent upon the nature of the
6 administrative agency’s review. “Tie votes mean different things in different contexts.”
7 *Vedanta Soc. of S. California v. California Quartet, Ltd.* (hereinafter “*Vedanta*”), 84 Cal.
8 App. 4th 517, 521 (2000).

9 **1. California Law on the Effect of Tie Votes**

10 In order to resolve this context-dependent question, the Court turns to cases where
11 California courts considered the issue of a tie vote. In *Vedanta*, the elected board argued
12 the “default” result of a deadlock vote was an adoption of the lower planning
13 commission’s findings and explanations. 84 Cal. App. 4th at 528. The Court of Appeal
14 reasoned that a tie vote *can* result in an acquiescence, but not where it constitutes “an
15 affirmative act de novo.” *Id.* at 529. According to the Court of Appeal, the “very fact”
16 that findings “must be made *at all* is incompatible with the nature of a tie vote” and
17 findings “are by nature affirmative acts” which inherently require the fact-finder to take
18 “unambiguous” action.” *Id.* In support of this, the Court of Appeal pointed to the
19 requirements that the board at issue in *Vedanta* provide brief explanations of their
20 rationale of any findings or state in writing the specific reasons to support its action. *Id.*
21 The regulation required *de novo* review and *de novo* fact finding. *Id.* Although the
22 Court of Appeal in *Vedanta* declined to rule on the effects of tie votes outside of the
23 regulation at issue, its reasoning is persuasive in the case at hand. *Id.* at 534–5.

24 Similarly, in *Clark*, the Court of Appeal analyzed the effect of a tie vote on a
25 planning commission’s decision. *Clark*, 48 Cal. App. 4th at 1175. Petitioners argued one
26 member of the council should have recused himself and, if he did, the resulting tie vote
27 post-recusal would have affirmed the planning commission’s decision. *Id.* at 1175. The
28 Court of Appeal rejected this argument. Instead, the Court of Appeal ruled that a

1 theoretical tie vote would have affirmed one type of appeal provision (the parcel map) but
2 would not have affirmed another (the conditional use permit). *Id.* This result was
3 dictated by the differences between the applicable provisions. *Id.* The conditional use
4 permit provision in *Clark*, presumably unlike the parcel map provision, required the
5 council to hear the matter *de novo*, take additional evidence at a public hearing, and
6 decide whether it should grant or deny the permit. *Id.* The Court of Appeal based this
7 conclusion on language from the municipal code, which stated the council “shall order
8 that the conditional use permit be granted, denied, or modified” and the action by the
9 council shall be by three affirmative votes. *Id.* (internal quotations removed). This
10 language dictated “[a] tie vote would not suffice.” *Id.* at 1176. The municipal code in
11 *Clark* was “virtually identical” to the one in *Anderson*. *Id.* (citing *Anderson v. Pittenger*,
12 197 Cal. App. 2d 188, 194–5 (1961)).

13 In *Anderson*, the city council ended in a tie vote over an appeal of an application
14 for a zoning variance. 197 Cal. App. 2d at 189. The Court of Appeal ruled the tie vote
15 constituted “no action,” and not an affirmance of the order of the lower commission’s
16 decision, because: (1) the council was required to hold a public hearing after publishing
17 notice, and (2) the council did not merely review and “affirm, reverse, or modify” the
18 order of the commission, but was required by ordinance to “act upon the appeal.” *Id.* at
19 194, 195. Moreover, the council was not bound by the findings of the commission or the
20 testimony before the commission, and there were no limitations on new or additional
21 testimony. *Id.* If the council were bound by the findings of the commission, there would
22 be “no point” in requiring the public hearing. *Id.* The *Anderson* Court of Appeal
23 concluded the council heard the matter *de novo* and made its own determination as to the
24 facts. *Id.*

25 The Court of Appeal in *Rea* considered a similar set of facts. *Rea Enters. v.*
26 *California Coastal Zone Conservation Com.* (hereinafter “*Rea*”), 52 Cal. App. 3d 596
27 (1975). In *Rea*, the regional commission approved petitioners’ application for a coastal
28 zone development permit. *Id.* at 601. The decision was appealed to the state

1 commission, which conducted a public hearing that resulted in a six-to-six tie vote. *Id.*
2 The state commission’s review was a “new, unlimited look at the same request for a
3 permit by a de novo public hearing” and a “redetermination” “of the merits of the
4 application.” *Id.* at 605 (quoting *Klitgaard & Jones, Inc. v. San Diego Coast Reg'l Com.*,
5 48 Cal. App. 3d 99, 108 (1975)). The petitioners argued the jurisdiction of the state
6 commission was one “strictly of an appellate nature” and therefore the tie vote resulted in
7 an affirmance of the regional commission’s decision approving the permit. *Id.* at 606–
8 607. In support, they contended the *de novo* public hearing referred only to the process
9 by which the state commission is required to gather evidence and the state commission
10 could only “affirm, reverse, or modify” the regional commission’s decision. *Id.* at 607.
11 The Court of Appeal disagreed, noting that the language of “affirm, modify, or reverse”
12 was not dispositive—although “grant or “deny” would have been “clear[er].” *Id.* at 608–
13 609. Rather, the Court of Appeal looked to the legislative intent and other rules of
14 statutory interpretation and concluded the tie vote did not affirm the regional
15 commission’s approval. *Id.* at 606–611.

16 Petitioners rely upon *Grist Creek Aggregates*, but that case is distinguishable.
17 *Grist Creek Aggregates, LLC v. Superior Ct.*, 12 Cal. App. 5th 979 (2017). The *Grist*
18 *Creek* Court analyzed California case law to address whether the tie votes were subject to
19 judicial review. 12 Cal. App. 5th at 990. Regarding the *effect* of the tie vote, the court
20 relied on three of the parties’ *agreement* that the effect of the tie vote was to deny the
21 appeal. *Id.* Accordingly, most of the *Grist Creek Aggregates* opinion is inapplicable.⁹
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25 ⁹ Petitioners’ reliance on the unpublished decision in *Serv. Emps. Int'l Union Loc. 1021* is not
26 particularly helpful to their cause. *Serv. Emps. Int'l Union Loc. 1021 v. Cnty. of Mendocino*, No. 20-
27 CV-05423-RMI, 2021 WL 3471176, at *1 (N.D. Cal. Aug. 6, 2021). There, the district court did not
28 perform a robust analysis of the legal effect of a tie vote. Rather, it addressed the plaintiffs’ failure to
state a claim that a tie vote amounted to a violation of his federal due process rights. *Id.* at *3. In the
process of that analysis, the district court tersely found that the tie vote functioned like an appellate court
vote and left the original termination decision intact—as alleged in the plaintiffs’ complaint. *Id.* at *4.

1 **2. The Board’s Tie Vote Meant It Took No Action on the Planning**
2 **Commission’s Decision**

3 Chapter 25B is not identical to any of the applicable regulations in the cases
4 described above. On one hand, Chapter 25B’s procedural rules share some similarities
5 with a purely appellate review. Rather than “grant or deny” the permits, the Board shall
6 “affirm, reverse, or modify” the Planning Commission’s decision to approve the FDPs.
7 County Code § 25B-12(b)(4). The Planning Commission is the entity that “approve[s] or
8 “deni[es]” applications for change of operator, owner, or guarantor. County Code §§
9 25B-8(b)(1), 25B-8(a)(1)(a), 25B-9(e). And, unlike in *Clark*, Chapter 25B does not
10 require any specific number of affirmative votes.¹⁰ 48 Cal. App. 4th at 1175. The
11 absence of “grant, deny, or modify” language in Chapter 25B, however, is not
12 dispositive, and the cases other than *Clark* do not turn on regulatory language mandating
13 a certain number of affirmative votes. *See Rea*, 52 Cal. App. 3d at 607–608. All other
14 aspects of Chapter 25B appear to be consistent with the Court of Appeal’s reasoning in
15 *Vedanta*, *Clark*, and *Anderson*.

16 Chapter 25B provides that the Board’s hearing shall be *de novo* and the Board shall
17 hold a public hearing. County Code § 25B-12(b)(4). This suggests that the Board has the
18 authority to engage in affirmative acts that go beyond merely reviewing the
19 administrative record and giving a thumbs up or down. Here, like in *Vedanta*, the Board
20 has the authority to conduct *de novo* fact-finding. 84 Cal. App. 4th at 519. When
21 appealed, the Planning Commission supplies copies of the application and a statement of
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23 ¹⁰ The majority vote requirement is instead sourced from separate procedural rules that govern
24 hearings before the Board. Governing Procedural Rules, Sec. IV, 1 (“Any action taken by the Board of
25 Supervisors must be by a majority of the Board of Supervisors. An abstention shall not be counted as an
affirmative vote on the motion.”); *see also* A.R. 6772 (Vol. 21 at 29).

26 The same rules state “[i]n the event the Board takes no action because a motion on the item
27 failed to carry by the affirmative vote of a majority of the membership, the matter may be continued at
28 the request of any party or any Board member.” Governing Procedural Rules, Sec. IV, 2. This rule is
consistent with the Court’s conclusion that a failure to reach a majority vote does not constitute
affirmance or denial.

1 its findings setting forth the reasons for its decision to the Board. County Code § 25B-
2 12(b)(3). Chapter 25B does not limit the Board’s review to these findings, impose any
3 evidentiary constraints, or mandate deference to the Planning Commission’s findings.
4 *See, e.g., Anderson*, 197 Cal. App. 2d at 189; *Clark*, 48 Cal. App. 4th at 1175; *cf.*
5 *Today's Fresh Start, Inc. v. Los Angeles Cnty. Off. of Educ.*, 128 Cal. Rptr. 3d 822, 839
6 (Ct. App. 2011), *review granted and opinion superseded*, 262 P.3d 854 (Cal. 2011), *and*
7 *aff'd*, 57 Cal. 4th 197 (2013) (holding a tie vote upheld the lower decision where the
8 review was limited to findings made by the lower body).¹¹ Instead, it simply states the
9 public hearing “shall be de novo.” County Code § 25B-12(b)(4). If the Board were
10 bound by the findings of the Planning Commission, there would be “no point” to
11 requiring the public hearing. *Anderson*, 197 Cal. App. 2d at 195.

12 Furthermore, the requirement that the Board make factual findings logically flows
13 from its *de novo* review of the Planning Commission’s decision. Chapter 25B requires
14 the Planning Commission to make specific factual findings, and the applications for
15 change of owner, guarantor, and operator, shall be approved “only if” those findings are
16 met. *See* County Code §§ 25B-9(a), (e), 25B-10(a). The Board must look to the
17 evidence supporting these required factual findings and determine whether those findings
18 are supported.

19 Finally, it appears everyone throughout the entirety of the Board appeal and public
20 hearing process agreed that the Board was required to make factual findings. County
21 Staff recommended that the Board “make” the required findings for approval and “grant
22 *de novo*” approval of the applications. Board Agenda Letter A.R. 2953 (Vol. 11 at 811).
23 The failed motion, as reflected in the Board minutes following the hearing, was to deny
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27 ¹¹ Federal courts may consider unpublished California appellate decisions as persuasive
28 authority. *Holt v. Noble House Hotels & Resort, Ltd*, 370 F. Supp. 3d 1158, 1165 (S.D. Cal. 2019)
(citing California Rule of Court 8.1115(a)).

1 the appeal, make the required findings for approval, and grant *de novo* approval.¹² A.R.
2 6755 (Vol. 21 at 11). Sable’s own response to the appeal is in accordance with this
3 approach (A.R. 5240 (Vol. 14 at 495) [Doc. # 13-14] (“[T]he Planning Commission did
4 not err in approving the Transfers, and [] the Board should *do the same*.”) (emphasis
5 added)) (A.R. 5257 (Vol. 14 at 512) (“We respectfully request that the Board . . . deny
6 the Appeals, *make the required findings*, and grant *de novo* approval of the Transfers.”)
7 (emphasis added)).

8 In sum, although Chapter 25B is not a model of clarity, the *de novo* nature of the
9 review and the Board’s authority to do fact-finding, combined with the requirement of a
10 public hearing and lack of evidentiary constraints, lead the Court to conclude the Board’s
11 review is not one “strictly of an appellate nature.” *Rea*, 52 Cal. App. 3d at 606.
12 Accordingly, the tie vote by the Board in an appeal under Chapter 25B was “no action,”
13 was not “acquiescence,” and did not affirm or reverse the Planning Commission’s
14 approval of the FDPs. *Vedanta*, 84 Cal. App. 4th at 529. Petitioners’ MSJ is **DENIED**
15 **in part** and Intervenors’ MSJ is **GRANTED in part** as to Petitioners’ first claim for
16 relief to the extent Intervenors assert the tie vote “did not affirm, reinstate, or otherwise
17 leave in place” the Planning Commission’s decision.

18 **B. Second Claim for Relief: Traditional Writ of Mandate Under Section 1085**

19 **1. Ministerial Duty or Discretionary Duty**

20 Under section 1085, the Court may issue a writ of mandate in two circumstances:
21 (1) where the agency has a “mandatory” and “ministerial duty capable of direct
22 enforcement” or (2) where the agency has a discretionary “quasi-legislative duty entitled
23 to a considerable degree of deference” and that agency has abused its discretion. *CV*
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26 ¹² The motion by the Board includes all proposed findings and execution of all actions
27 recommended in the County Staff’s report. *See* Governing Procedural Rules, Sec. VII, 1 (“In the case of
28 final action by the Board of Supervisors on a motion to affirm the Planning Commission’s action or
recommendation . . . the motion shall be deemed to include all proposed findings and execution of all
actions recommended in the staff report.”).

1 *Amalgamated LLC v. City of Chula Vista*, 82 Cal. App. 5th 265, 279 (2022). Whether a
2 duty is ministerial is generally a question of law, namely statutory interpretation. *Id.*; *see*
3 *also Rodriguez v. Solis*, 1 Cal. App. 4th 495, 502 (1991).

4 Where the duty is mandatory and ministerial, a court may issue a writ of mandate
5 to compel a public agency or officer to perform this duty. *CV Amalgamated LLC*, 82 Cal.
6 App. 5th at 279. A “ministerial act” is an act the public officer “is required to perform in
7 a prescribed manner in obedience to the mandate of legal authority and without regard to
8 his own judgment or opinion concerning such act's propriety or impropriety, when a
9 given state of facts exists.” *Id.* (quoting *Kavanaugh v. W. Sonoma Cnty. Union High Sch.*
10 *Dist.*, 29 Cal. 4th 911, 916 (2003)). “A public entity has a ministerial duty to comply
11 with its own rules and regulations where they are valid and unambiguous.” *Id.* (quoting
12 *Gregory v. State Bd. of Control*, 73 Cal. App. 4th 584, 595, (1999)).

13 If a public agency has abused its discretion in carrying out a discretionary function,
14 a court may issue a writ of mandate to correct this abuse of discretion. *CV Amalgamated*
15 *LLC*, 82 Cal. App. 5th at 279. Discretion is “the power conferred on public functionaries
16 to act officially according to the dictates of their own judgment.” *AIDS Healthcare*
17 *Found. v. Los Angeles Cnty. Dep't of Pub. Health*, 197 Cal. App. 4th 693, 700 (2011)
18 (quoting *Rodriguez*, 1 Cal. App. 4th at 501–502. Discretionary agency action amounts to
19 an abuse of discretion where it is “palpably unreasonable and arbitrary.” *CV*
20 *Amalgamated LLC*, 82 Cal. App. 5th at 280 (quoting *Ellena v. Dep't of Ins.*, 230 Cal.
21 App. 4th 198, 205 (2014)).¹³

22
23 ¹³ Petitioners cite to cases interpreting “discretionary projects” and “ministerial projects” within
24 the meaning of the California Environmental Quality Act (CEQA). *See* Petitioners MSJ at 19 (citing
25 *Prentiss v. City of S. Pasadena*, 15 Cal. App. 4th 85, 89 (1993), *Health First v. Mar. Joint Powers Auth.*,
26 174 Cal. App. 4th 1135, 1142 (2009) and *Friends of Juana Briones House v. City of Palo Alto*, 190 Cal.
27 App. 4th 286, 299 (2010)), 20 (citing *Sierra Club v. Cnty. of Sonoma*, 11 Cal. App. 5th 11, 19 (2017)
28 and *Sierra Club v. Napa Cnty. Bd. of Supervisors*, 205 Cal. App. 4th 162, 176 (2012)). Although CEQA
uses the terms “discretionary” and “ministerial,” these terms and the interpretations thereof are based
upon CEQA regulatory definitions that are not binding in this case. *See* Cal. Code Regs. §§ 15268,
15369.

1 **2. Duties Under Chapter 25B**

2 Petitioners assert two theories of duty: (1) the Board had a mandatory ministerial
3 duty to act on the appeal, *i.e.*, affirm, reverse, or modify the Planning Commission’s
4 decision, and (2) the Board had a mandatory ministerial duty to deny the appeals once the
5 required findings were met. Petitioners MSJ at 18. The Court will first address the duty
6 to act on the appeal.

7 Chapter 25B mandates that the Board “shall affirm, reverse, or modify the
8 planning commission’s decision at a public hearing.” County Code § 25B-12(4). A
9 cardinal rule of statutory interpretation is that the Court’s inquiry “begins with the
10 statutory text, and ends there as well if the text is unambiguous.” *BedRoc Ltd., LLC v.*
11 *United States*, 541 U.S. 176, 183 (2004); *see also California Priv. Prot. Agency v.*
12 *Superior Ct.*, 99 Cal. App. 5th 705, 722 (2024) (same under California law); *Herrera v.*
13 *Zumiez, Inc.*, 953 F.3d 1063, 1070 (9th Cir. 2020) (holding courts apply California rules
14 of statutory interpretation to California regulations). Statutory interpretation begins with
15 the “plain and commonsense meaning” of the words themselves. *Herrera*, 953 F.3d at
16 1070. The language here is unambiguous. The Board *shall* affirm, reverse, or modify the
17 decision, but the Board’s tie vote did not do any of these things. Because the language is
18 unambiguous, the Court need not look to Chapter 25B’s legislative history or other
19 extrinsic aids. *BedRoc Ltd., LLC*, 541 U.S. at 183; *see also Herrera*, 953 F.3d at 1071.

20 The Board’s duty to affirm, reverse, or modify the Planning Commission’s
21 decision is mandatory and ministerial. Chapter 25B does not provide the Board
22 discretion to decline—if an eligible appellant appeals with the required specific
23 statement, the Board must hear the appeal and act upon it to affirm, reverse, or modify
24 the underlying decision. *See* County Code §§ 25B-12(b)(1), (2); *accord California*
25 *Priv. Prot. Agency v. Superior Ct.*, 99 Cal. App. 5th 705, 723 (2024) (where the timeline
26 to adopt final regulations “shall be” a certain date, the agency had a mandatory duty to
27 adopt final regulations by that date); *Sustainability of Parks, Recycling & Wildlife Legal*
28 *Def. Fund v. Cnty. of Solano Dep’t of Res. Mgmt.*, 167 Cal. App. 4th 1350, 1359 (2008)

1 (agency’s obligation to hold a hearing upon receipt of a petition was ministerial); *Lazan*
2 *v. Cnty. of Riverside*, 140 Cal. App. 4th 453, 460 (2006) (where employer “shall apply for
3 disability retirement” upon a certain condition, the employer has a mandatory and
4 ministerial duty to apply because it “has no authority to do otherwise”). The Board has
5 no option, for example, to remand the matter back to the Planning Commission for
6 further consideration. *Cf. Woody's Grp., Inc. v. City of Newport Beach*, 233 Cal. App.
7 4th 1012, 1026 (2015) (the municipal code allows the reviewing body to remand).

8 The use of the word “shall” indicates a legislative intent to impose a mandatory
9 duty. *California Priv. Prot. Agency*, 99 Cal. App. 5th at 723 (citing *In re Luis B.*, 142
10 Cal. App. 4th 1117, 1123 (2006)). Respondents and Intervenors claim the word “shall”
11 does not necessarily create a mandatory duty under *AIDS Healthcare Found.*, 197 Cal.
12 App. 4th at 693. *See* Response at 19, Intervenors MSJ at 24. Although *AIDS Healthcare*
13 *Found.* may stand for this general proposition, the facts and reasoning undergirding it are
14 inapplicable to the case at hand. In *AIDS Healthcare Found.*, the petitioners sought a
15 writ of mandamus to compel the health department to issue a regulatory order requiring
16 adult film industry performers to take certain specific actions. 197 Cal. App. 4th at 696.
17 The applicable statute stated the health department “shall take measures as may be
18 necessary to prevent the spread of the disease or occurrence of additional cases.” *Id.* at
19 701. In this context, the Court of Appeal found the term “shall” did not necessarily create
20 a mandatory duty, because “[e]ven if mandatory language appears in a statute creating a
21 duty, the duty is discretionary if the public entity must exercise significant discretion to
22 perform the duty.” *Id.* (quoting *Sonoma Ag Art v. Dep't of Food & Agric.*, 125 Cal. App.
23 4th 122, 127 (2004) (internal punctuation removed)). The Court of Appeal concluded the
24 statute left the “measures as may be necessary,” or the prescribed course of action to
25 address the spread of diseases, to the health department’s discretion.¹⁴

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28 ¹⁴ Intervenors also rely on *Thompson* to claim the duty is not mandatory. Intervenors MSJ at 24
(citing *Thompson v. City of Lake Elsinore*, 18 Cal. App. 4th 49, 56 (1993)). In *Thompson*, although the

1 Here, the Board has no such discretion as to *what* courses of action it can take—it
2 must affirm, reverse, or modify. Nor does it have the option *not* to take any of those
3 three actions. It has discretion to decide *which* action of the three to take, and discretion
4 within its *de novo* review process (*see supra* Part III(A)), but these discretionary actions
5 are separate from the mandatory and ministerial process of hearing and affirmatively
6 acting on the appeal. *See, e.g., CVG Amalgamated LLC*, 82 Cal. App. 5th at 221
7 (separating the ministerial procedural requirements of the ordinance from the
8 discretionary merit-based scoring portion of the ordinance).

9 Although the Board’s failure to act was not purposeful, as the tie vote presumably
10 was unexpected and unplanned, the Board has yet to “affirm, reverse, or modify” the
11 decision following Petitioners’ demand letters and the Board’s closed session. *See*
12 Petitioners MSJ at 18. A traditional writ of mandamus is appropriate here to compel the
13 Board to “affirm, reverse, or modify” the Planning Commission’s decision where it
14 essentially has failed to act following the tie vote. Moreover, “[m]andamus does not lie
15 to compel a public agency to exercise discretionary powers in a particular manner, only
16 to compel it to exercise its discretion in some manner.” *AIDS Healthcare Found.*, 197
17 Cal. App. 4th at 700–701 (citing *Excelsior Coll. v. Bd. of Registered Nursing*, 136 Cal.
18 App. 4th 1218, 1238 (2006)); *see also* Intervenors Reply at 12–13. In other words,
19 having concluded that the Board’s *de novo* review of the Planning Commission’s
20 decision is discretionary rather than purely appellate in nature, the Court may not compel
21 the Board to affirm or reverse the Planning Commission’s decision before the Board has
22 made any decision at all. But the Court may compel the Board to *exercise* its discretion
23 to affirm, reverse, or modify and essentially try again until it reaches a determination in
24 compliance with the requirements of Chapter 25B—an affirmance, reversal, or
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27 ordinance stated the building official “shall” issue a permit if the application met all requirements, the
28 Court of Appeal concluded the issuance of building permits is a historically discretionary function. *Id.*
at 56 n.9, 57. This action does not concern building permits—the reasoning in *Thompson* is inapposite.

1 modification tethered to factual findings under Chapter 25B-8, 9, and 10 would satisfy
2 the Board’s mandatory duty to act.

3 Indeed, the Board has expressed its willingness to hold a new hearing. *See*
4 Response at 24. The trial court in *Lopez* similarly remanded the matter back to the board
5 to conduct another vote. *Lopez*, 165 Cal. App. 4th at 3. The Board here, like in *Lopez*,
6 had five members “to foster decisions by majority votes and to avoid tie votes.” *Id.* at 5.
7 The fifth abstaining board member in *Lopez* abstained on an erroneous basis. *Id.*
8 Accordingly, with the Court of Appeal’s instruction, the remand restored the board to its
9 intended odd number of members. *Id.* Here, Hartmann recused herself from the vote, but
10 her presumed conflict of interest may not in fact exist.¹⁵ On June 27, 2025, the FPPC
11 sent a letter to County Counsel for Santa Barbara County, at County Counsel’s request,
12 regarding Hartmann’s purported conflict of interest based upon her ownership of a real
13 property parcel approximately 900 feet from the pipeline. Intervenor RJN, Ex. 1 [Doc. #
14 43-6 at 6–13.]¹⁶ The letter states that under certain conflict-of-interest provisions,
15 Hartmann does not have a disqualifying financial interest in the County’s decisions
16 regarding Sable’s Chapter 25B FDP applications. *Id.* at 8. That said, as Petitioners point
17 out, Hartmann received a similar letter from the FPPC in 2016 but still recused herself in
18 2023. Alternative RJN, Ex. 1 [Doc. # 46-5 at 4–8]. Regardless, this factual development
19 does not undermine the Court’s ruling as the Court does not rely upon Hartman’s recusal
20 status. Whether or not Hartmann participates in the vote, the Board members must vote
21 to “affirm, reverse, or modify” the Planning Commission’s decision—which includes
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23

24 ¹⁵ Regarding the Sable FDP applications, Hartmann did not state on the record her reasons for
25 recusal. In 2023, however, regarding the Exxon Mobil Affiliates application for FDP transfer of the
26 pipeline, she stated “the pipeline runs directly adjacent to the northeastern corner of my property,” so
27 “due to conflict of interest potential” she recused herself. Petitioners RJN, Ex. 1 at 3 [Doc # 36-5]; *see*
28 *also* Petitioners RJN, Ex. 3 at 2 [Doc. # 36-7].

¹⁶ County Counsel originally made this request to the Attorney General’s Office and the Santa
Barbara County District Attorney’s Office, who forwarded it to the FPPC. Intervenor RJN, Ex. 1 at 6.

1 upholding or denying the appeals and making the required factual findings under Chapter
2 25B-8, 9, and 10.¹⁷

3 **C. Third Claim for Relief: Administrative Writ of Mandate Section 1094.5**

4 Because the Court remands this matter back to the Board pursuant to Petitioners’
5 second claim for relief under section 1085, it need not reach Petitioners’ third claim for
6 relief in the alternative for administrative writ of mandate under section 1094.5. *See*
7 Petitioners MSJ at 26–28.

8 **IV.**

9 **CONCLUSION**

10 In light of the foregoing, as to the first claim for relief, the Court **DENIES in part**
11 **and GRANTS in part** Petitioners’ MSJ and **GRANTS in part** the Intervenors’ MSJ
12 insofar as it concludes that the Board’s tie vote constitutes no action and does not affirm
13 or reverse the Planning Commission’s decision. Regarding the second claim for relief,
14 and only as to the Board’s ministerial duty to “affirm, reverse, or modify” the Planning
15 Commission’s decision, the Court **GRANTS in part** Petitioners’ MSJ and **DENIES in**
16 **part** Intervenors’ MSJ.

17 Petitioners are entitled to issuance of a peremptory writ of mandate pursuant to
18 California Code of Civil Procedure 1085 directing the Board to “affirm, reverse, or
19 modify” the Planning Commission’s decision in compliance with Santa Barbara County
20 Code Chapter 25B. The Court will issue a peremptory writ of mandate forthwith.

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23 ¹⁷ In upholding or denying the appeals, Board members must comply with the requirements of
24 Chapter 25B and Governing Procedural Rules. Lee’s sparse remarks to the effect that restarting the
25 facilities and pipeline was an “insane” and “bad” idea, and his vote was the “right thing to do,” without a
26 single mention of the findings required under Chapter 25B, would not exemplify compliance. *See*
27 Governing Procedural Rules, Sec. VII, 1 (requiring any final action to be accompanied by written
28 findings); *see also Topanga Assn. for a Scenic Cmty. v. Cnty. of Los Angeles*, 11 Cal. 3d 506 (1974)
(agencies making decisions must render findings sufficient to allow the parties to determine whether and
on what basis they should seek review and to apprise the reviewing court of the basis behind the Board’s
findings).

1 This action is **STAYED and administratively closed** pending the Board's
2 compliance with the Court's peremptory writ of mandate. Any party may file a motion to
3 lift the stay upon verification of the Board's compliance with the writ of mandate and, as
4 appropriate, move to reopen the case or dismiss it.

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7 **IT IS SO ORDERED.**

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9 DATED: September 12, 2025

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11 _____
12 DOLLY M. GEE
13 CHIEF U.S. DISTRICT JUDGE
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EXHIBIT 23

Hartmann Now Eligible to Vote on Some Sable Issues

Supe No Longer Forced to Recuse Herself

By [Nick Welsh](#)

Wed Jul 16, 2025 | 8:32am



Credit: Ingrid Bostrom

Right before the county supervisors convened behind closed doors to discuss the pending lawsuit filed against them by Exxon and Sable Offshore Corp., Supervisor Joan Hartmann dropped a bombshell: The alleged conflict of interest that prevented her voting on all matters involving Sable oil had been reevaluated and she was now legally permitted full voting rights, albeit under relatively narrow constraints.

That's a big deal because with Hartmann recusing herself, the supervisors had been deadlocked in a perpetual 2-2 tie when voting on issues concerning Sable Offshore. That hadn't stopped Hartmann from objecting forcefully to Sable's efforts to restart Exxon's long-sidelined facility up the Gaviota Coast, when speaking off the dais. The oil operation has been shut down since 2015 when the pipeline ruptured, causing a major spill.

With Hartmann now allowed back in the fray, the supervisors, at least on paper, would appear to tilt solidly against Sable. Hartmann has called climate change the existential crisis of our time, noting that if Sable is allowed to restart Exxon's facility — which it purchased in February 2024 — it would account for roughly half the greenhouse gases emitted in Santa Barbara County. Sable and Exxon both sued the county supervisors when they deadlocked 2-2 over approving the transfer of Exxon's title and permits to the new company.

Because the Planning Commission approved the transfer by a 3-2 vote, Sable argues that the commission vote holds sway, given the supervisors' tie. County Counsel, however, contends that the supervisors' vote was a "de novo" decision, meaning it and it alone counts.

Given Hartmann's outspoken comments, Sable might be inclined to challenge her impartiality when it comes to rendering what the law says is a quasi-judicial decision. To the extent Sable has an opinion, its spokesperson Alice Walton declined to share it. Sable's road ahead, once seemingly uncluttered by serious obstacles, now appears more fraught.

This Friday, Judge Donna Geck will hear preliminary arguments whether the California Fire Marshal — who has the last word on Sable's fate — should be enjoined from rendering an approval on the restart until he holds a public hearing and conducts some form of environmental review of the plans. The Environmental Defense Center won the first round in that legal showdown, but this is a battle that promises to last many more rounds.

Up on the fourth floor of the County Administration Building, news of Hartmann's rejuvenated availability has been met with considerable head-scratching. A recent opinion rendered by the California Fair Political Practices Commission concluded Hartmann was not precluded by the closeness of her home in Buellton to the Sable Pipeline from participating in the transfer of ownership deliberations. County Counsel — stymied by the deadlock in getting meaningful board direction during settlement talks — sought out the state board's opinion.

It should be noted that the state board never barred Hartmann from participating on pipeline repairs and maintenance, but she stated former County Counsel Mike Ghizzoni urged her to recuse herself from deliberating on substantive changes to the pipeline — the installation of automatic shutoff safety valves, for starters — that opened the door to restarting oil operations. The new opinion allows her only to participate in deliberations about the transfer of title from Exxon to Sable. But then, that's the only matter over which the county believes it exerts any jurisdiction.