

Sheila de la Guerra

Public Comment

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From: Edward S. Hazard <ehazard57@yahoo.com>
Sent: Monday, May 12, 2025 4:35 PM
To: sbcob
Cc: Ed Renwick
Subject: Agenda Item 8) 25-00399 on page 23 of the Board of Supervisors meeting agenda for May 13, 2025
Attachments: NARO-CA Letter to SB Board of Supervisors^J 5-12-2025 on Letterhead-11-2024-pobox (4).pdf; NARO-CA 2025-05-12 ESR ltr to Ed Hazard re County of Santa Barbara (1).pdf



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Dear Clerk of the Board,

Attached below is a public comment letter submitted by NARO-CA in regard to the above referenced agenda item. Also attached is a letter from our General Counsel addressing the above referenced agenda item. Please record these letters in the public comment file.

Sincerely,
Edward S. Hazard
Pres., NARO-CA
Cell: (209) 481-7005



May 12, 2025

Clerk of the Board
Santa Barbara County Board of Supervisors
sbcob@countyofsb.org

Re: Agenda Item 8) 25-00399 on page 23 of the Board of Supervisors meeting agenda for May 13, 2025

Dear Supervisors,

My name is Ed Hazard. My family and I are Santa Barbara County oil and gas mineral and royalty owners, and I am the President of the California Chapter of the National Association of Royalty Owners (NARO-CA). NARO-CA advocates for and defends the rights of the estimated 700,000 private citizen oil and gas royalty owners in California, and even more mineral owners. We strongly oppose any efforts by Santa Barbara County (the County) to prohibit new drilling or to further constrain existing oil production as is suggested in certain portions of Agenda Item 8) 25-00399 on page 23 of the Board of Supervisors meeting agenda for May 13, 2025.

Included in the public comments for the above-mentioned agenda item is a letter from Kevin Bundy with the law firm of Shute, Mihaly & Weinberger LLP. At our request, this letter has been reviewed by our General Counsel, Ed Renwick of Hanna & Morton, LLP. His brief response is attached hereto.

As noted in Mr. Renwick's letter, we believe that AB 3233 is in violation of the California Constitution and should not be relied upon by any California county or municipality to justify any further actions regulating oil production. We anticipate litigating this issue in the Los Angeles County Superior Court in the very near future. Therefore, we believe that it would be most prudent and in the best interest of the citizens if Santa Barbara County for the County to forego taking any further actions potentially restricting oil production until the question of the constitutionality of AB 3233 is fully adjudicated in Los Angeles.

Further, we ask that you follow the recommendation of your staff "...that oil and gas emission targets not be included in the CAP."

Sincerely,

Edward S. Hazard
President

Cc: Edward S. Renwick, Esq.

Founded in 1980, the National Association of Royalty Owners is the only national organization representing solely, and without compromise, oil and gas royalty owners' interests.

HANNA AND MORTON LLP

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May 12, 2025

VIA EMAIL:

National Association of
Royalty Owners of California-Inc.
Attn: Edward Hazard
Email: Ehazard@57@yahoo.com

Re: Shute, Mihaly & Weinberger LLP Letter to County of Santa Barbara

Dear Ed,

You have asked if I have any comments on the letter Kevin Bundy of Shute, Mihaly & Weinberger LLP wrote to the Santa Barbara County Board of Supervisors on April 21, 2025. I only received a copy of that letter late yesterday afternoon and have only had a chance to read quickly through it once. Despite my limited review of the letter, I do have one comment. The letter fails to discuss a basic constitutional problem the County of Santa Barbara will face if it accepts the letter's advice.

The Shute Mihaly letter points out that the County's 2030 Climate Action Plan does not target oil and gas operations as part of its GHG emissions reduction plan and suggests that, contrary to staff recommendations, it should. Indeed, that letter suggests the County should adopt an ordinance, similar to the Los Angeles City Oil and Gas Ordinance, which was recently found to violate Article XI, Sections 5 and 7 of the California Constitution in a judgment entered March 21, 2025. NARO-CA was one of several petitioner/plaintiffs in that proceeding, and its second cause of action—upon which it prevailed—specifically alleged that the Los Angeles Oil Ordinance was invalid because it violated Article XI, Sections 5 and 7 of the California Constitution and was therefore unconstitutional.

Our allegations were that the Los Angeles ordinance was unconstitutional because it purported to regulate on a matter of statewide concern, i.e., methods and practices of operations used in the oil business such as drilling new wells, redrilling old wells, repairing them and regularly maintaining them (for instance, acid treatments, just as water wells and swimming pools are maintained). The trial court, agreed and the city has stipulated not to appeal.

The City of Los Angeles has stated that, instead of appealing, it intends to rely on AB-3233 and readopt the same ordinance that the Los Angeles Superior Court recently struck down. In other words, it is planning to do just what the Shut Mihaly letter suggests the County of Santa Barbara should do. There is, however, one serious problem. Article XI, Sections 5 and 7 of the California Constitution does not give cities and counties—not even charter cities and counties—the power to legislate on matters of statewide concern. They are limited to matters of local

NARO

Attn: Edward Hazard

Re: Shute, Mihaly & Weinberger LLP Letter to County of Santa Barbara

May 9, 2025

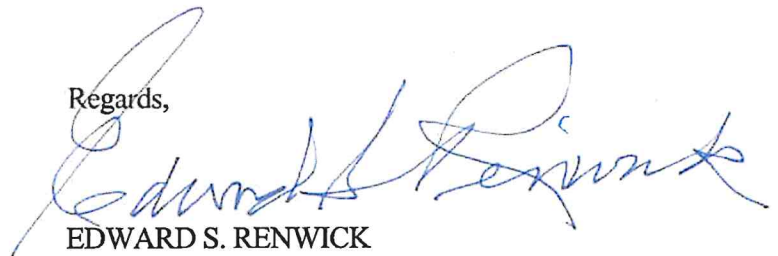
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the power to legislate on matters of statewide concern. They are limited to matters of local concern. Whether or not a matter is one of statewide concern is a legal issue upon which courts, not legislators, have the final word. In other words, the legislature simply does not have the power to give cities and counties the power to legislate on matters of statewide concern! The Shute Mihaly letter is silent on this issue.

Clearly, this issue will be litigated in the Los Angeles Superior Court. It seems a shame for everyone to spend the time and money to fight it out in other counties as well. Perhaps cooler heads will prevail, and people will wait to see what happens in Los Angeles County.

I trust that my brief comments will be helpful.

Regards,

A handwritten signature in blue ink, appearing to read "Edward S. Renwick", is written over the typed name. The signature is fluid and cursive.

EDWARD S. RENWICK

ESR:ia