



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: CEO
Department No.: 012
For Agenda Of: 6/13/2014
Placement: Departmental
Estimated Tme:
Continued Item: NA
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Mona Miyasato, County Executive Officer, 568-3400
Director(s):
Contact Info: Dennis Bozanich, Assistant to the CEO, 568-3400

SUBJECT: **Impact Report on Initiative to Ban “High-Intensity Petroleum Operations”**

County Counsel Concurrence

As to form: Yes

Other Concurrence: NA

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors considers the following actions:

- A. Receive and file the *Impact Report on Initiative to Ban “High-Intensity Petroleum Operations”* (Attachment A), and either:
 1. Adopt the ordinance without alteration within 10 days, or
 2. Order the proposed ordinance to be submitted without alteration to the voters of the County at the November 4, 2014 Statewide General Election by adopting the attached resolution (Attachment B) which includes direction to Auditor Controller to prepare a fiscal impact statement, and
- B. If the Board orders the proposed ordinance be submitted to the voters (Action A-2), consider appointing member(s) of the Board of Supervisors to author, sign and submit on behalf of the Board a direct argument in favor or against the proposed ordinance and any possible rebuttal, and
- C. Determine that the proposed action is a submittal of a proposal to a vote of the people and not a project under the California Environmental Quality Act pursuant to CEQA Guidelines section 15378(b)(3).

Summary Text:

On May 20, 2014, pursuant to Elections Code section 9111, the Board of Supervisors directed staff to return with a report (Attachment A) addressing the topics identified in section 9111 as they relate to the *Impact Report on Initiative to Ban "High-Intensity Petroleum Operations"* (Attachment C) at a Special Hearing on June 13, 2014. Elections Code 9111(b) requires that "...the report shall be presented to the board of supervisors within the time prescribed by the board of supervisors, but no later than 30 days after the county elections official certifies to the board of supervisors the sufficiency of the petition."

After the submission of the report, the Board will have 10-days to either adopt the ordinance without alteration or order the proposed ordinance to be submitted to the voters of the County at the November 4, 2014 General Election by approving a resolution. (Attachment B)

Background: On May 1, 2014, the proponents of the *Initiative to Ban "High-Intensity Petroleum Operations" including but not limited to Well Stimulation Treatments and Secondary and Enhanced Recovery Operations such as Hydraulic Fracturing, Steam Injection and Acid Well Stimulation Treatment on all Lands within Santa Barbara County's Unincorporated Area* (Attachment C) filed a petition with the County Elections Office for verification of signatures. In accordance with California Elections Code Sections 9114 and 9115, elections staff counted and verified the required number of signatures.

On May 20, 2014, the County's election official brought to the Board of Supervisors the certification of petition signatures and provided the Board three options as required by Election Code section 9118:

- Adopt the ordinance without alteration,
- Order the proposed ordinance to be submitted unaltered to the voters of the County at the November 4, 2014 General Election, or
- Order a report from appropriate staff agencies concerning impacts pursuant to Election Code section 9111.

The Board voted unanimously to direct staff to return with an impact report pursuant to Elections Code 9111 at a Special Hearing on June 13, 2014 at 9:00AM in Santa Maria.

At the June 13, 2014 hearing, the Board will have the option to receive and file the impact report (Attachment A) and, in accordance with Elections Code section 9118, will be required to choose whether to:

- Adopt the ordinance unaltered within ten days OR
- Order the proposed ordinance to be submitted unaltered to the voters on the November 4, 2014 General Election ballot by adopting the resolution. (Attachment B)

If they choose to submit the ordinance to the voters, the Board may take additional action to appoint one or more member(s) to author, sign and submit a direct argument either in favor or opposed to the *Impact Report on Initiative to Ban "High-Intensity Petroleum Operations."* The period for submitting direct arguments on the *Impact Report on Initiative to Ban "High-Intensity*

Petroleum Operations” is between July 14 and 23, 2014 to the Elections Division. A rebuttal, if necessary, to any argument would need to be submitted between July 24 and August 4, 2014 to the Elections Division. The attached resolution (Attachment B) directs the Auditor-Controller to prepare a fiscal impact statement related to the *Impact Report on Initiative to Ban “High-Intensity Petroleum Operations”* for the ballot.

Performance Measure: NA

Fiscal and Facilities Impacts:

Budgeted: NA

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund		\$0.00	
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative:

Key Contract Risks (if applicable):

None

Staffing Impacts:

Legal Positions: 0

FTEs: 0

Special Instructions:

Attachments:

Attachment A – *Impact Report on Impact Report on Initiative to Ban “High-Intensity Petroleum Operations”*

Attachment B – Resolution ordering the proposed ordinance to be submitted without alteration to the voters of the County at the November 4, 2014 Statewide General Election

Attachment C – *Initiative to Ban “High-Intensity Petroleum Operations” including but not limited to Well Stimulation Treatments and Secondary and Enhanced Recovery Operations such as Hydraulic Fracturing, Steam Injection and Acid Well Stimulation Treatment on all Lands within Santa Barbara County’s Unincorporated Area*

Authored by: Dennis Bozanich, Assistant to the County Executive Officer, 805-568-3400