

March 2, 2017 (Agenda)

Local Agency Formation Commission
105 East Anapamu Street
Santa Barbara CA 93101

**Consider Authoring the Chairman to Execute the Certificate of Completion for LAFCO
File 16-04: Formation of the Cuyama Basin Water District**

Dear Members of the Commission

RECOMMENDATION

- 1) It is recommended that the Commission Provide Authorization to the Chairman to Execute Certificate of Completion for LAFCO File 16-04: Formation of the Cuyama Basin Water District

DISCUSSION

Following your Commission's approval of the Cuyama Basin Water District on September 1, 2016, and the protest hearing on October 12, 2016, the district formation was set for a mailed ballot election to be held on February 28, 2017. If the election is successful, the election results will be set for certification by the Board of Supervisors on March 13, 2017.

Although the Cortese-Knox Hertzberg Act allows the Executive Officer to prepare and record the Certificate of Completion for most changes of organization, for changes that are approved at an election, Government Code Section 57176 reads in pertinent part as follows:

“The commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor of the change of organization or reorganization in any of the following circumstances: (a) At an election called in the territory ordered to be organized or reorganized”.

Because of this, the proponents are concerned that waiting for the Commission to execute the Certificate of Completing at the next Commission meeting on April 13, 2017 will delay the formation process. For instance, the newly elected board needs to get the Proposition 218

Commissioners: Roger Aceves, Chair ♦ Craig Geyer ♦ Steve Lavagnino ♦ Jeff Moorhouse ♦ Jim Richardson ♦ Roger Welt ♦ Janet Wolf ♦ Joan Hartmann ♦ Judith Ishkanian ♦ Shane Stark ♦ Etta Waterfield ♦ **Executive Officer:** Paul Hood

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process under way. The Commission's condition of approval requires this to take place by June 14, 2017. Also the Santa Barbara Board of Supervisors is scheduled to consider various Sustainable Groundwater Management Act (SGMA issues), including Cuyama, on April 11, 2017.

In conclusion, the Commission has two options: 1. Hold a Special Meeting, or 2. Authorize the Chairman to Execute the Certificate of Completion.

Staff has included a proposed Certificate of Completion for the Commission's review and information.

Exhibits:

Exhibit A Draft Certificate of Completion

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

Recording Requested By:

LAFCO

Santa Barbara Local Agency Formation Commission

Return via interoffice mail to:

LAFCO

105 East Anapamu Street Rm. 407

Santa Barbara CA 93101

805-568-3391 FAX 805-568-2249

No Fee Per Government Code § 6103

CERTIFICATE OF COMPLETION

1. Pursuant to Government Code section 57176, the Santa Barbara Local Agency Formation Commission hereby determines that the County Clerk/Registrar Joseph E. Holland certified the results of the election for the formation of the Cuyama Basin Water District and found a majority of votes cast upon the question of formation were in favor of the change of organization. (See Attachment A.) Each voter was entitled to one vote per acre, or fraction thereof, of land to which he or she holds title. The Commission finds that no other conditions imposed by the Commission on the formation of the District are required to be satisfied prior to formation. Therefore, the Commission has a duty to execute a certificate of completion within 30 days of the Elections Division completion of the canvas of votes.

The Commission hereby certifies that this certificate of completion, including the determination that the attached documents, is complete and in accordance with the boundaries, modifications and conditions specified by the Commission in its Resolutions No. 16-28 approving this action.

1. The short-form designation of the proceeding is:

LAFCO 15-07 – Formation of the Cuyama Basin Water District (“District”).

2. The entire affected agency is located in Santa Barbara County and is comprised of 83,095.69 acres. The proposed District boundaries encompass portions of Santa Barbara, San Luis Obispo, and Ventura Counties.
3. The Commission’s Resolutions of Approval 16-28 adopted on September 1, 2016 are made a part of this certificate by reference and set forth the description of the boundaries of the proposal and the terms and conditions of approval, as authorized and mandated by Government Code section 61250 and the Cortez Knox Hertzberg Act, Government Code section 56000 et seq. Those conditions are as follows:

- a. The name of the district shall be the Cuyama Basin Water District.
- b. The District shall be initially composed of a five-member elected Board of Directors, each of whom must be a landowner within the District.
- c. The District shall have those powers and responsibilities set forth in the California Water District Law, Water Code section 34000 et. seq., including Water Code section 35401 that authorizes the District to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes, and any drainage or reclamation works connected therewith or incidental thereto.
- d. The District, if formed, shall cease to exist if the Proposition 218 Proceeding is not conducted and an assessment to fund the District is not approved by June 14, 2017, or Santa Barbara LAFCO otherwise extends such deadline.
- e. The District, if formed, shall cease to exist if it does not enter into a joint powers agreement or memorandum of agreement pursuant to the Sustainable Groundwater Management Act, Water Code section 10720 et. seq., for the formation of a groundwater sustainability agency for the Cuyama groundwater basin by December 31, 2017 or later date approved by the State pursuant to the Act.
- f. Should the new Board of Directors levy any of the "Proceeds of Taxes," described above, it will establish an Appropriations Limit.

A. The Commission ordered the formation of the District subject to a majority of votes cast upon the question of formation were in favor of the change of organization. (See Attachment A.) Each voter was entitled to one vote per acre, or fraction thereof, of land to which he or she holds title, a majority vote of the registered voters residing within the boundaries of the proposed District. This condition has been met as on December 6, 2016, County Clerk/Registrar Joseph E. Holland certified the results of the formation election and determined the measure was approved by a majority of the registered voters residing within the boundaries of the proposed District.

This Certificate of Completion is hereby approved by the Commission on March 14, 2017, in Santa Barbara, California, and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency
Formation Commission

ATTEST

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission

DRAFT