
LAW OFFICES OF E. PATRICK MORRIS

A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

1/10/2024

VIA Email Only

Joan Hartmann, Chair
Members of the Santa Barbara County
Local Agency Formation Commission
Santa Barbara, California

Re: Business Item #6, Santa Barbara Local Agency Formation Commission
January 11, 2024 Agenda; Santa Rita Hills Community Service District Sphere of
Influence Expansion

To Chair Hartmann and the Members of the Commission:

First of all, personally and on behalf of those I represent, we appreciate the Commissioners' services with regard to all of the matters that come before you, mundane and controversial. The issues I raise herein are of tremendous importance to the rights of landowners, the orderly process of government, and due process, and we request your thoughtful consideration thereof.

THE CARGASACCHI LANDOWNERS

This office is retained to protect and advance the interests of the Trustee of the Cargasacchi Family Trust; as well as John, Laura, Peter and Mark Cargasacchi, individually. Collectively, these persons are the owners of record of the land referred to as Cargasacchi Ranch, which is located at the end of County owned and operated Sweeney Road, and separates Sweeney Road from the western boundaries of the now defunct Santa Rita Hill Community Services District (hereinafter "SRHCSD").

Cargasacchi Ranch is the private property that the resolution before the Commission would cloud with an undefined, vague expansion of the SRHCSD Sphere of Influence, the purpose of which is to create some vague "study zone." An area within a Sphere of Influence is land subject to a taking. "A sphere of influence is a planning boundary outside of an agency's legal boundary (such as the city limit line) that designates the agency's probable future boundary and service area.(See <https://calafco.org/lafco-law/faq/what-are-sphere-influence-studies>.)

The "Resolution Of The Santa Barbara Local Agency Formation Commission Making Determinations And Approving The 2023 Countywide Municipal Service Review

And Spheres Of Influence For Transportation, Parking, Street Sweeping & Beautification, Lighting, Transit, And Airport [*sic*] Services Agencies” as presented, particularly Exhibit D thereto, hardly puts the Cargasacchi Ranch owners on notice of where this “expansion” will burden their land. The drawing is vague. There is no legal metes and bounds description of what land is to be burdened. How much land is it? Why that portion of their land and not some other portion of their land? The ill defined location “map” deprives the Cargasacchi Ranch owners of due process in responding to the proposed resolution.

Additionally, what is specifically being proposed for study? The current resolution does not say, other than “access.” As noted below, access to the boundaries of SRHCSD has already been planned for and agreed to by all of the affected property owners. Even if it could revive itself, what could SRHCSD do differently?

What is clear, is that whatever the specific location of this new “study area,” and whatever the currently undisclosed efforts entail, imposing this expansion on the Cargasacchi Ranch clouds the owners’ title to their own land, and impairs its marketability.

Should this resolution be adopted as presented, and the Cargasacchis subsequently choose to sell the burdened land, what do they tell the buyer? “Look at this map and figure out where SRHCSD’s probable future boundary and service area will be.” How can they explain what the burden will be? Even when the area is specifically designated with accuracy, what exactly is proposed to be done there? No one knows. Finally, why should Cargasacchi Ranch be controlled by a governmental entity in which the owners have no representation?

This office also is retained to protect and advance the interests of John, Laura, Peter and Mark Cargasacchi as owners of lots 2 and 10 of the “Lakeview Estates” subdivision found within the current boundaries of SRHCSD as formed; John and Paula Cargasacchi, owners collectively and individually of lots 25, 26 and 27 of Lakeview Estates; and Peter Cargasacchi, owner of lots 30, 31 and 36 of Lakeview Estates. They own 20% of the total parcels in Lakeview Estates/SRHCS D, and their land is as impacted by poor access are the other Lakeview parcels. They, like the other Lakeview owners, have a vested interest in safe, year round access to their parcels.

The Cargasacchis who own land inside the SRHCSD boundaries have been waiting 14 years for SRHCSD to improve a single road within its boundaries, as it was formed to do. They have been taxed, they have paid their taxes, hundreds of thousands of their tax dollars have been spent, yet not a single work of improvement has ever been undertaken by SRHCSD. Yet the Commission is being asked to give SRHCSD, which has had no authorized board of directors for more than ten years, the right to expand.

Neither the Cargasacchi Ranch owners, nor the Cargasacchis who live within the SRHCSD boundaries need any government agency, much less the feckless SRHCSD to build and maintain safe access across Cargasacchi Ranch. They already have an agreement

with all the Lakeview owners to construct such an access by way of a private, not public road.

THE SANTA RITA HILLS CSD'S FORMATION DOCUMENTS PROHIBIT SUCH EXPANSION, AND THAT BODY HAS NO LEGAL POWER, AND HAS HAD NO LEGAL POWER FOR TEN YEARS

This Commission formed SRHCSD. It did so after considerable input from all concerned, including adjacent landowners other than the Cargasacchis.

With that input in mind, SBLAFCO formulated the terms under which SRHCSD would operate. SBLAFCO has not altered those terms, and does not propose to do so by approving Business Item 6. However, approving Business Item 6 as presented would directly conflict with the formation restrictions SBLAFCO without any due process for doing so.

The Resolution forming SRHCSD is LACFO Resolution 03-13. Key components of SRHCSD's formation rights that are not being considered here are found in sub-part 5 of the Resolution (a copy was attached to the letter to Commissioner Nelson delivered to the Commission earlier today.)

Section A of subpart 5 of LAFCO 03-13 mandates "The District shall be governed by a five-member Board of Directors elected at large, each of whom shall be a voter residing within the District."

In too many places to reference, the erroneous claim is asserted that SRHCSD may be operated by a board consisting of only three members. Reference is often made to "AB 2455" as some authority for that claim. It says nothing of the sort.

First, AB 2455 was long ago codified at Government Code §61060.1. Commissioner Williams was the author of AB 2455. He knows full well that before SRHCSD could transition its board to three member control, a whole series of notices and hearings had to take place. He should be well aware that those notices were never given, none of the required public hearings were ever held, and none of the steps necessary to reduce the board size, thus modify LAFCO 03-13 (5)(A), ever took place.

SRHCSD still must be controlled by a 5 member Board of Directors, which it has not had for over ten years. By the admission of one of the three people who claimed they could control the SRHCSD with a three member board, Martha New, SRHCSD has not even held a public meeting in over three years. It also has never reported on its finances, or produced the required audits, or made its records available to the public.

SRHCSD is a sham, and approving the requested SOI expansion will be in violation of the resolution of its formation, and every standard the Cortese-Knox-Hertzberg Act requires be applied before SOI expansion.

The very consideration of the access road as an expansion of the SRHCSD SOI violates the restriction found at LAFCO 03-13(5)(D)” “The District shall not have the authority to provide services outside of its boundaries, including the construction of an access road, either with or without the use of eminent domain.”

This express restriction in the SRHCSD’s formation documents has never been amended or removed, and Business Item 6 does not propose to do so. Instead, the resolution presented impairs private land by creating an irreconcilable conflict by approving a process that the very agency placed in charge is prohibited from doing.

The Commission is respectfully requested to remove from its consideration any proposed SOI expansion for SRHCSD. Instead, the Commission should separately consider terminating the SRHCSD.

Thank you for your attention to, and consideration of, these important issues of freedom and justice, and thank you again for your work on behalf of our community at large. If you have any questions, or need additional information, please do not hesitate to contact me by email.

By this communication, no client of this office makes any admission in whole or in part, nor waives, in whole or in part, any right, claim, remedy, and or defense, each and all of which are expressly reserved hereby.

Very truly yours,

LAW OFFICES OF E. PATRICK MORRIS

E. Patrick Morris

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Cc: Clients