

October 6, 2016 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

**1) Consider Recommendations for Ballot Measure, Impartial Analysis, and Supplemental Resolution, for the Formation of the Cuyama Basin Water District Election:**

- a. Ballot Measure for Formation of the Cuyama Basin Water District
- b. Impartial Analysis for the Formation of the of the Cuyama Basin Water District
- c. Supplemental Resolution for the Formation of the of the Cuyama Basin Water District

Dear Members of the Commission,

**RECOMMENDATION**

It is recommended that the Commission a. Approve the Ballot Measure, b. Approve the Impartial Analysis, and c. Approve the Supplemental Resolution, for the Formation of the Cuyama Basin Water District Election.

**DISCUSSION**

At the September 1, 2016 meeting, the Commission approved the proposed Formation of the Cuyama Basin Water District, subject to an election. The district formation will be set for a mailed ballot election following the protest hearing scheduled for October 12, 2016.

**Ballot Measure**

***“Government Code Section 57133 states that: The question or questions to be submitted at any special election or elections called pursuant to this part shall be in substantially the following form:***

***(k) For a district formation, use form of question under principal act of district being formed. If none, use substantially the following form: "Shall the order adopted on \_\_\_\_, 20 \_\_, by the Local Agency Formation Commission of \_\_\_\_ County ordering the formation of a district in the territory described, known as \_\_\_\_, be approved?"***

***Government Code Section 57134 states that: "If the change of organization or reorganization has been ordered subject to any terms and conditions, there shall be added to the end of the questions set forth in Section 57133 words substantially as follows:***

***"Subject to the terms and conditions specified in the order."***

Impartial Analysis:

***Government Code Section 56898 states that: "Whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by regulation, provide a procedure for approval or modification of the executive officer's analysis.***

***In any event, the analysis shall be prepared and submitted to the commission in sufficient time for the commission to consider and approve or modify the analysis, and submit the analysis to the officials conducting the election not later than the last day for submission of rebuttal arguments. The impartial analysis submitted by the commission shall not exceed 500 words in length and shall include a general description of the affected territory."***

Supplemental Resolution:

***Elections Code Section 13307, states that: Each candidate for the District Board may prepare a candidate's statement on a form provided by the elections official. The statement may include the name, age, and occupation of the candidate and brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. A charge shall be levied by the elections official against the candidates for the candidates' statement sent to each voter.***

Based on the above, staff has prepared the Ballot Measure for the proposed Formation of the Cuyama Basin Water District (**Exhibit A**), the Impartial Analysis (**Exhibit B**), and a Supplemental Resolution (**Exhibit C**), for the proposed Formation of the Cuyama Basin Water District. Legal Counsel has reviews the documents.

Exhibits:

- Exhibit A      Ballot Measure for the Formation of the Cuyama Basin Water District
- Exhibit B      Impartial Analysis for the Formation of the Cuyama Basin Water District
- Exhibit C      Supplemental Resolution for the Formation of the Cuyama Basin Water District

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Please contact the LAFCO office if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Paul Hood". The signature is written in a cursive style with a blue ink color.

PAUL HOOD  
Executive Officer

**BALLOT MEASURE** – Formation of the Cuyama Basin Water District

Shall the order adopted on September 1, 2016, by the Local Agency Formation Commission of Santa Barbara County ordering the formation of a district in the territory described, known as the Cuyama Basin Water District, be approved, subject to the terms and conditions specified in LAFCO Resolution 16-28.

**IMPARTIAL ANALYSIS FOR MEASURE XXX  
FORMATION OF THE CUYAMA BASIN WATER DISTRICT**

This measure was placed on the ballot by the Board of Supervisors pursuant to a determination by the Local Agency Formation Commission (“LAFCO”) under Government Code section 57000(e) that the creation of the Cuyama Basin Water District (“District”) requires a landowner voter election. This ballot measure is to determine if the landowner voters in the proposed District will authorize formation. Each person owning land within the proposed District shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre. A “YES” vote by the majority of such votes means that the District shall be formed. A “NO” vote is a vote against formation.

The proposed District is comprised of 83,095.69 acres including portions of Santa Barbara, San Luis Obispo, and Ventura Counties, as depicted in Exhibit A. The proposed District would not include the area within the Cuyama Community Services District. Formation of the District was initiated by a petition signed by the holders of title to a majority of land within the proposed boundaries. The formation is more fully described in the Commission’s resolution making determinations and setting forth the terms and conditions, which is available at the Santa Barbara LAFCO office at 105 E. Anapamu St., Santa Barbara, CA. or online here: [www.sblafco.org](http://www.sblafco.org)

The proposed District would be a California Water District with the powers set forth in Water Code section 34000 et. seq. and would be eligible under the Sustainable Groundwater Management Act, Water Code section 10720 et.seq. to enter into an agreement with the counties of Santa Barbara, San Luis Obispo, Ventura, and Kern in order to form a Groundwater Sustainability Agency (“GSA”) for the Cuyama ground water basin. To form a GSA, the counties may act through their special districts, such as the Santa Barbara County Water Agency or the Ventura County Flood Control District. The Cuyama Community Services District may also be a member of the GSA.

The District board shall be initially composed of a five-member elected Board of Directors, each of whom must be a holder of title to land within the district, the legal representative of a holder of title to land within the district, or a representative designated by a holder of title to land within the district, if the holder has filed with the district written evidence of that designation.

The District, if formed, would cease to exist if an assessment to fund the District is not approved pursuant to a Proposition 218 proceeding by May 4, 2017, or later date approved by LAFCO otherwise extends such deadline, or other arrangements are made for funding the District.

The District, if formed, shall cease to exist if it does not enter into an agreement pursuant to the Sustainable Groundwater Management Act, for the formation of a GSA for the Cuyama groundwater basin by December 31, 2017 or later date approved by the State pursuant to the Act.

by/Paul Hood, Executive Officer  
Santa Barbara LAFCO

LAFCO RESOLUTION NO. 16-

SUPPLEMENTAL RESOLUTION OF THE  
SANTA BARBARA LOCAL AGENCY FORMATION COMMISSION MAKING  
DETERMINATIONS REGARDING THE FORMATION OF THE  
CUYAMA BASIN WATER DISTRICT

WHEREAS, on September 1, 2016, the Santa Barbara Local Agency Formation Commission adopted Resolution No. 16-28 approving the formation of the Cuyama Basin Water District pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); and

WHEREAS, the Commission wishes make additional findings and determinations related to the approval of the District regarding the conducting authority proceeding and required landowner voter confirmation election.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of Santa Barbara County as follows:

1. For the landowner voter confirmation election, the question to be submitted to the voters shall be as follows:

**BALLOT MEASURE – Formation of the Cuyama Basin Water District**

Shall the order adopted on September 1, 2016, by the Local Agency Formation Commission of Santa Barbara County ordering the formation of a district in the territory described, known as the Cuyama Basin Water District, be approved, subject to the terms and conditions specified in LAFCO Resolution 16-28.

2. The ballot measure is to determine if the landowner voters in the proposed District will authorize formation. Pursuant to Water Code section 35003, each person owning land within the proposed District shall be entitled to cast one vote for each acre owned by the voter within the district, provided that if the voter owns less than one acre then the voter shall be entitled to one vote and any fraction shall be rounded to the nearest full acre. A “YES” vote by the majority of such votes means that the District shall be formed. A “NO” vote is a vote against formation.

3. Pursuant to Elections Code Section 13307, each candidate for the District Board may prepare a candidate's statement on a form provided by the elections official. The statement may include the name, age, and occupation of the candidate and brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. A charge shall be levied by the elections official against the candidates for the candidates' statement sent to each voter.

PASSED AND ADOPTED this 6<sup>th</sup> day of October, 2016, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Chair  
Santa Barbara Local Agency  
Formation Commission

ATTEST:

\_\_\_\_\_  
Jacquelyne Alexander, Clerk  
Santa Barbara Local Agency Formation Commission