

BEFORE THE BOARD OF SUPERVISORS

of the

COUNTY OF SAN LUIS OBISPO

Tuesday, June 20, 2017

PRESENT: Supervisors Bruce S. Gibson, Adam Hill, Lynn Compton, Debbie Arnold and
Chairperson John Peschong

ABSENT: None

RESOLUTION NO. 2017-170

**A RESOLUTION OF THE BOARD OF SUPERVISORS CALLING
AND GIVING NOTICE OF THE HOLDING OF SPECIAL ALL MAILED
BALLOT ELECTIONS FOR THE SUBMISSION TO LANDOWNER-VOTERS
OF WHETHER FORMATION OF THE ESTRELLA-EL POMAR-CRESTON WATER DISTRICT
SHALL BE APPROVED AND OF CANDIDATES FOR BOARD
OF DIRECTORS FOR SAID DISTRICT**

WHEREAS, on April 6, 2017, by Resolution No. 2017-02, the San Luis Obispo County Local Agency Formation Commission ("LAFCO") conditionally approved the formation of the Estrella-El Pomar-Creston Water District ("the Water District") upon voter-approval by the land owner-voters owning acreage within the proposed Water District; and

WHEREAS, LAFCO Resolution No. 2017-02 also provides that the Board of Directors of the proposed Water District be composed of five (5) members elected as provided in the California Water District Law (Cal. Wat. Code, § 34000 et seq.), with the initial members to be elected pursuant to Water Code section 34700; and

WHEREAS, the election for the Board of Directors of the proposed Water District shall be completed at the same time as the formation election; and

WHEREAS, pursuant to California Government Code section 57000 et seq, LAFCO completed a protest hearing, which resulted in less than a 50% registered voter protest, requiring an election be held on the issue of formation pursuant to Government Code section 57078, subdivision (c); and

WHEREAS, on May 24, 2017, pursuant to the Cortese-Knox-Hertzberg Act, specifically California Government Code section 57000, subdivision (c) (d) and (e), the Executive Officer as delegated by LAFCO notified the Board of Supervisors and the County Clerk and Ex-Officio Registrar of Voters (“the Elections Official”) that an election be conducted and requesting that the Board of Supervisors direct the Elections Official to conduct a special election consistent with California Water Code section 34000 et seq. and other applicable law; and

WHEREAS, California Government Code section 57000, subdivision (e)(1), requires the Board of Supervisors to do all of the following: call, provide for, and give notice of a special election or elections; fix a date of election and direct the elections official to designate precincts and polling places, where applicable, and to take any other action necessary to call, provide for, and give notice of the special election or elections and to provide for the conduct and canvass of returns of the election, as determined by LAFCO; and

WHEREAS, the combined elections that must be conducted are: (1) an election by landowners on the questions of whether the order adopted by LAFCO on April 6, 2017, ordering the formation of the Water District shall be approved; and if formed (2) who shall fill the five (5) board of director seats to be voted on by landowners, based on a one acre per vote formula for both questions, if the Water District is formed; and

WHEREAS, pursuant to California Government Code section 57125, subdivision (b) and 57126, special elections called within a landowner-voter district shall be governed by the general elections provisions of the principal act, insofar as they may be applicable, and they may be conducted wholly by mailed ballot; and

WHEREAS, the Elections Official has authorized a special election by mailed ballot to be held on October 17, 2017;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of San Luis Obispo does declare, determine and order as follows:

1. Special elections shall be held on October 17, 2017, for the purpose of submitting to the qualified voters of the proposed Water District: (1) the question of whether the order adopted by LAFCO on April 6, 2017, ordering the formation of the Water District shall be approved, and (2) the names of the candidates who shall fill the five (5) board of director seats as provided for in California Water Code section 34700, subject to certain residency requirements, if the Water District is formed.

2. The combined election shall be held by all mail ballot pursuant to California Government Code sections 57125, subdivision (b) and 57126.

3. The question posed to the qualified voters of the proposed Water District shall be as follows:

Shall the order adopted on April 6, 2017, by the Local Agency Formation Commission of San Luis Obispo County ordering the formation of a district in the territory described, known as the Estrella-El Pomar-Creston Water District, be conditionally approved subject to the terms and conditions specified in the order?

4. The formation of the proposed Water District shall be subject to the conditions set forth by LAFCO in its order of April 6, 2017, as provided in Attachment 1 hereto.

5. The District shall initially have a five-member elected Board of Directors, and the five Director seats shall be up for election as part of the October 17, 2017, election.

6. Pursuant to California Water Code section 34700, each director shall be one of the following:

- (a) A holder of title to land within the district.
- (b) The legal representative of a holder of title to land within the district in accordance with Water Code section 34030.
- (c) 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.

7. The term of office of the initial Board of Directors is as described in California Elections Code section 10505, subdivision (a).

8. Pursuant to California Water Code section 34403, the Board hereby prescribes the procedure for nominating candidates for the offices to be filled at that election:

A Declaration of Candidacy for director of the Estrella-El Pomar-Creston Water District shall be obtained at the office of the County of San Luis Obispo Elections Official (Clerk-Recorder) during the period of June 26, 2017, through July 21, 2017.

Declarations of Candidacy shall be filed not later than 5 p.m. on July 21, 2017, or may be filed by certified mail so that the forms reach the office of the County Elections Official no later than the deadline for filing in that office.

Declarations of Candidacy may be obtained at, and if returning by mail, may be returned by mailing to:

County Clerk-Recorder
1055 Monterey Street, Room D120
San Luis Obispo, CA 93408
Monday - Friday, 8:00 a.m. to 5:00 p.m., except holidays

9. Pursuant to California Elections Code section 13307, each candidate 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 party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the Elections Official at the time the candidate's nomination papers are filed and the statement may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the close of the nomination period. The candidate shall be required to pay for the estimated cost of printing the candidate's statement in the voter pamphlet to be mailed to the landowners of the proposed Water District.

10. Pursuant to California Water Code section 34500, if a majority of all the votes cast favor the formation of the Water District, the territory shall be formed as a district.

11. The ballots to be used at the elections shall be in the form and content as required by law.

12. The Elections Official is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the elections.

13. Pursuant to California Water Code section 34402.1, the Elections Official is hereby directed to send a copy of this resolution to LAFCO within five (5) days of adoption of this resolution.

14. Notice of the time and place of holding the elections is given and the County Elections Official is further directed to publish, post and mail the Notice of Elections, a form of which is set forth on Attachment 2 hereto, in accordance with California Government Code section 57130 and Water Code section 34402.

15. In all particulars not recited in this resolution, the elections shall be held and conducted as provided by law for holding elections relating to the formation of the Water District and the election of the first set of directors of the Water District.

16. This resolution shall take effect immediately upon its adoption.

Upon motion of Supervisor Gibson, seconded by Supervisor Compton, and on the following roll call votes, to-wit:

AYES: Supervisors Gibson, Compton, Hill and Chairperson Peschong

NOES: Supervisor Arnold

ABSENT: None

ABSTAINING: None

the foregoing resolution is hereby adopted.

John Peschong
Chairperson of the Board of Supervisors

ATTEST:

Tommy Gong
County Clerk and Ex-Officio Clerk of the Board of
Supervisors, County of San Luis Obispo,
State of California
By: Sandy Currens
Deputy Clerk

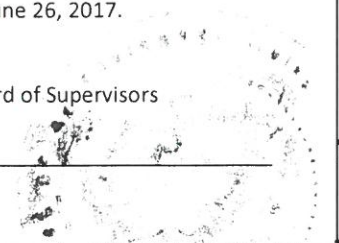
APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/Ann Duggan
Deputy County Counsel

Dated: May 26, 2017

STATE OF CALIFORNIA)	ss.
COUNTY OF SAN LUIS OBISPO)		
I, TOMMY GONG , County Clerk of the above entitled County, and Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.		
Witness, my hand and seal of said Board of Supervisors on June 26, 2017.		
TOMMY GONG, County Clerk and Ex-Officio Clerk of the Board of Supervisors		
By: <u>Sandy Currens</u>	_____	
	Deputy Clerk	



**IN THE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Date: April 6, 2017

PRESENT: CHAIRMAN MARSHALL OCHYLSKI, VICE-CHAIRMAN ED WAAGE,
COMMISSIONERS DEBBIE ARNOLD, LYNN COMPTON, ROBERT ENNS,
ROBERTA FONZI, AND TOM MURRAY AND ALTERNATE COMMISSIONER
HEATHER JENSEN

ABSENT: ALTERNATE COMMISSIONERS ADAM HILL AND JAMIE IRONS

RESOLUTION NO. 2017-02

**RESOLUTION MAKING DETERMINATIONS AND APPROVING THE
FORMATION OF THE ESTRELLA-EL POMAR-CRESTON WATER DISTRICT, SPHERE OF
INFLUENCE, AND ENVIRONMENTAL DETERMINATION**

The following resolution is now offered:

WHEREAS, a Petition of Application signed by 100 percent of the landowners in the proposed Water District was filed with the Commission to initiate the change of organization to form the Estrella-El Pomar-Creston Water District; and

WHEREAS, application has been made to this Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.) for consideration of a proposal for the formation of the Estrella-El Pomar-Creston Water District as shown in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, the formation of the Estrella-El Pomar-Creston Water District, a Water District as defined in the California Water Code, Section 34000 et seq., has been filed with the Executive Officer of the Local Agency Formation Commission of San Luis Obispo County, California by petition, and said application complied with all the requirements of law and the Commission; and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set and noticed for public hearing at 9:00 a.m. on April 6th in the County of San Luis Obispo Board of Supervisors Chambers; and

WHEREAS, this Commission has considered the application materials, studies,

attachments, and other documentation at the April 6, 2017 public hearings which is incorporated by reference herein; and

WHEREAS, on April 6, 2017 this Commission heard and received, all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter concerning this proposal; and

WHEREAS the Commission hereby finds that the formation of Water District will not have a significant effect on the environment, and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under 15378(b)(4). Additionally, the SOI qualifies for a general rule exemption from environmental review based upon CEQA Regulation Section 15061(b)(3) and Section 15262.; and

WHEREAS, the Commission duly considered the proposal and finds that the formation should be approved with the following conditions:

1. That the name of the Water District shall be the Estrella-EI Pomar-Creston Water District.
2. That the Board of Directors of the Estrella-EI Pomar-Creston Water District be composed of five members elected as provided for in the California Water District Law, Water Code Section 34000 et. seq. The initial Board of Directors will be elected pursuant to the Water Code sections 34700; and
3. That pursuant to the applicable Water Code Sections the Estrella-EI Pomar-Creston Water District is authorized to exercise all powers and authorities subject to the following restrictions:
 - a. The Water District's powers to export, transfer, or move water underlying the Water District outside the Paso Robles Groundwater Basin shall not be active and are subject to condition number five of this approval. For purposes of this Condition and Condition number five, "groundwater" shall have the meaning set forth in Water Code Section 10721(g).
 - b. The Water District's powers under Part 5 Powers and Purpose; Chapter 2; Powers; Article 5; Sewers: [35500 - 35509] of the California Water Code shall be deemed inactive or latent. The Water District could request that LAFCO activate these powers in the future.

4. That formation of the Estrella-El Pomar-Creston Water District shall be contingent upon a successful vote on the formation pursuant to Water Code Section 34500 and the EPC Water District completing a successful benefit assessment to fund the activities of the Water District. If the Proposition 218 proceeding is not successfully conducted by the Water District within one year of the certificate of completion, the Water District shall be subject to dissolution. LAFCO may extend this deadline upon request by the Water District.
5. The EPC Water District shall be prohibited from exporting, transferring, or moving water underlying the Water District (including groundwater pumped into an above ground storage facility) to areas outside of the Paso Robles Groundwater Basin.
6. That specific projects proposed by the Estrella-El Pomar-Creston Water District shall be analyzed and evaluated in accordance with applicable laws prior to construction.
7. That a revised legal description and boundary map(s) be submitted to reflect the service area and sphere of influence boundaries of the Water District as adopted by the Commission.
8. That the effective date of the Estrella-El Pomar-Creston Water District will be determined by the certification of the election results by the Board of Supervisors and the filing of the certificate of completion by the LAFCO Executive Officer with the County Clerk-Recorder's office.
9. That the EPC Water District set the appropriations limit as soon as feasibly possible consistent with Government Code Section 57000.
10. That the Sphere of Influence of the Estrella-El Pomar-Creston Water District shall be co-terminus to the Service Area boundary. Future amendments and/or updates of the SOI shall only include properties that have submitted written landowner consent.
11. The Water District, if formed, shall provide documentation that it has been identified as a Groundwater Sustainability Agency (GSA), or a GSA partner, pursuant to the Sustainable Groundwater Management Act, Water Code section 10720 et. seq. If the District does not become a GSA, or is not part of a GSA within one year of the Certificate of Completion being filed, the District shall be dissolved. LAFCO may extend this deadline upon request by the District.
12. This condition applies to any proposed annexation to the San Miguel CSD for areas that are within the EPC District. If LAFCO approves such an annexation, the SMCS D may apply to DWR to become the GSA. As part of the annexation, the area shall be detached from the EPC Water District.

13. The EPC Water District shall develop policies insuring that any existing or future water wells do not interfere or are detrimental to the San Miguel CSD's existing or future water wells. The Districts shall work together to avoid well interference. This policy shall be further detailed in the Groundwater Sustainability Plan.

NOW, THEREFORE, the San Luis Obispo County Local Agency Formation Commission determines the following:

1. The territory comprises approximately 37,500 acres and is found to be inhabited (having more than twelve registered voters) as defined in §56046 of the Government Code.
2. The formation of the District is assigned the following distinctive short-form designation: **Estrella-El Pomar-Creston Water District**
3. Based on the evidence, analysis, and conclusions set forth in this resolution and the Executive Officer's report, the Commission finds that the formation of this District serves to further the purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 including, but not limited to, the following: efficiently providing government services and facilitating the orderly formation and development of local agencies based upon local conditions and circumstances.
4. The Commission determines, based upon the services currently provided to the affected territory, that the Estrella-El Pomar-Creston Water District can feasibly provide the needed services in a more efficient and accountable manner than the County of San Luis Obispo.
5. The Commission adopts the determinations regarding consistency with LAFCO law and Commission Policies contained in the staff report for this proposal and incorporates the staff report, and attachments by reference herein.
6. The affected territory within which the special election shall be held includes the entire area within the boundaries of the proposed Water District, as described by Exhibit A attached hereto.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the Categorical Exemption prepared for this project is hereby approved as complete and adequate and as having been prepared in accordance with the provisions of the California Environmental Quality Act.
3. The Executive Officer, on behalf of the Commission and in compliance with this resolution and State law, hereby requests that the San Luis Obispo County Board of Supervisors direct the County Elections Official to conduct the necessary election, setting the matter for consideration of the voters of the affected territory on a date

consistent election law and the Cortese-Knox-Hertzberg Act. The Executive Officer is directed to coordinate with the County Clerk to formulate the election questions consistent with the Commission's determinations set forth herein.


- 4. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
- 5. That Formation of the Estrella-El Pomar-Creston Water District is hereby conditionally approved.
- 6. Pursuant to §57144 and §56898 of the Government Code, the Executive Officer will prepare for the Commission's review an Impartial Analysis of the proposed District formation; after the Commission has approved or modified the Impartial Analysis, it shall direct the Executive Officer to submit it to the elections official no later than the last day for submission of ballot arguments.
- 7. The regular County assessment roll will be used.

Upon a motion by Commissioner Murray, seconded by Commissioner Enns to find the formation categorically exempt from CEQA pursuant to CEQA Guidelines Section 15378(b)(4) and a General Rule Exemption and on the following roll call vote and to form the Estrella-El Pomar-Creston Water District subject to the above-listed terms and conditions.

AYES: Commissioners Murray, Enns, Compton, Vice-Chairman Waage and Chairman Ochylski

NAYS: Commissioners Arnold and Fonzi

ABSTAINING: None

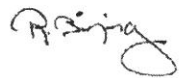
 04/12/2017

 Marshall Ochylski, Chair Date
 Local Agency Formation Commission

ATTEST:
 4-12-2017

 David Church Date
 LAFCO Executive Officer

APPROVED AS TO FORM AND LEGAL EFFECT:

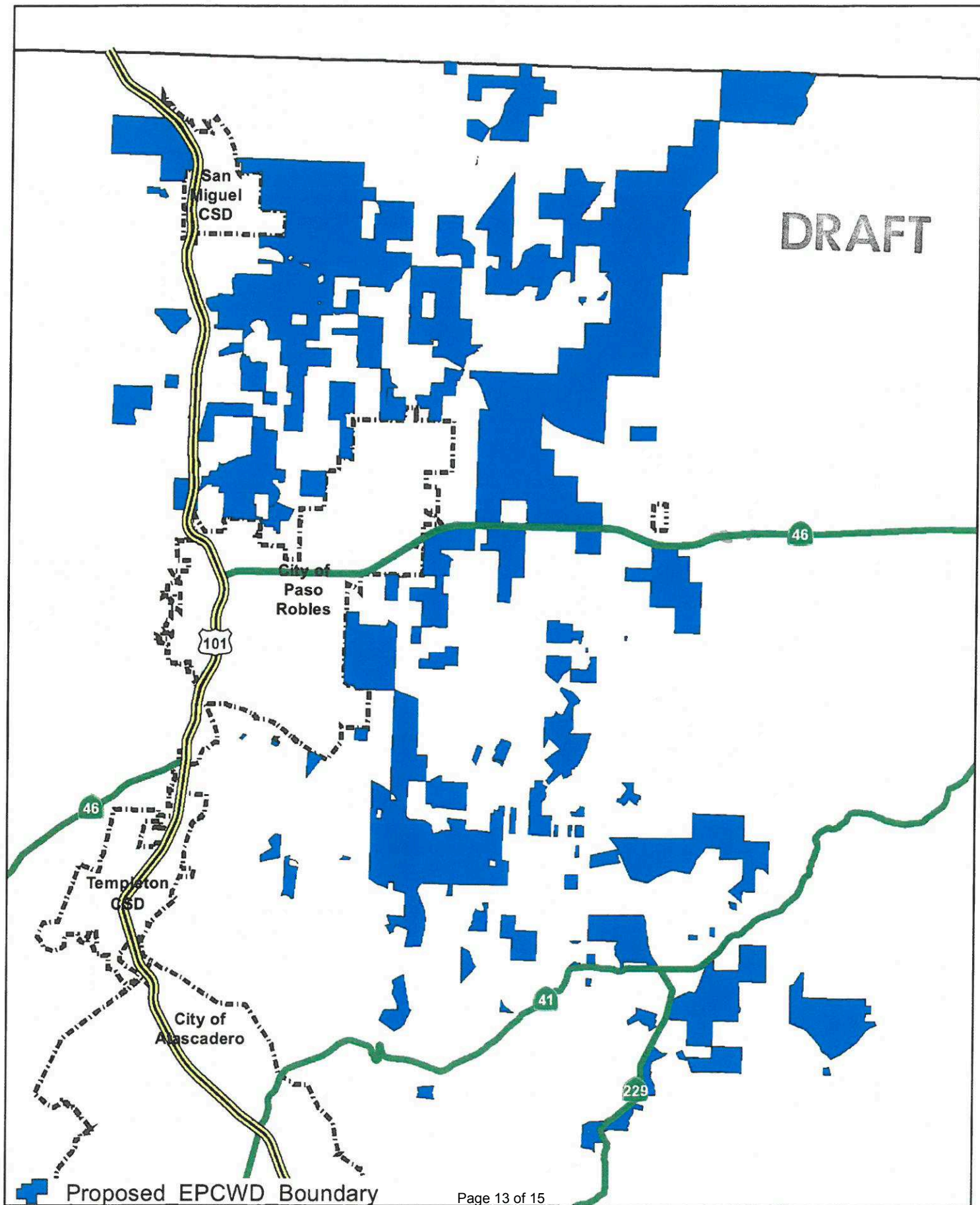


 Raymond A. Biering Date
 LAFCO Legal Counsel

Exhibit A

Draft Map of the Estrella-El Pomar-Creston Water District

Estrella-El Pomar-Creston Water District Proposed Service Area & Sphere of Influence



DRAFT

Proposed EPCWD Boundary

NOTICE OF ELECTIONS

FOR THE FORMATION OF THE PROPOSED ESTRELLA-EL POMAR-CRESTON WATER DISTRICT AND ELECTION OF THE INITIAL BOARD OF DIRECTORS

NOTICE IS HEREBY GIVEN to the landowners within the proposed Estrella-El Pomar-Creston Water District ("District") located in the County of San Luis Obispo, State of California, as defined in Water Code Section 34000, that in accordance with applicable law, a special election conducted by all mailed ballot will be held on Tuesday, October 17, 2017, to determine if the Estrella-El Pomar-Creston Water District shall be formed and to elect the initial directors of the District, if the formation passes by a vote of landowners of the proposed district. The question posed to the qualified voters of the proposed District shall be as follows:

MEASURE C-17

Shall the order adopted on April 6, 2017, by the Local Agency Formation Commission of San Luis Obispo County ordering the formation of a district in the territory described, known as the Estrella-El Pomar-Creston Water District, be conditionally approved subject to the terms and conditions specified in the order?	YES
	NO

The name of the proposed district is the Estrella-El Pomar-Creston Water District.

The boundaries of the proposed Water District are as approved by the San Luis Obispo County Local Agency Formation Commission (LAFCO). The proposed Water District lies within the Central portion of the Paso Robles Groundwater Basin.

Upon the formation of the Water District, there shall be a total of five directors elected by landowners. Candidates must hold title to land within the proposed Water District or be persons authorized to vote in elections by landowners, as provided in Water Code Section 34700. The nomination period opens Monday, June 26, 2017, and will close at 5:00 PM, Friday, July 21, 2017. The Directors elected upon formation of the Water District shall hold office pursuant to Water Code Section 34700 et seq.

Qualified landowners within the proposed Water District will be mailed ballots for this election beginning September 18, 2017. All voters and legal representatives of voters may vote by mail, in person or by proxy at the election.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m. on Election Day. The County Clerk-Recorder's offices, located at 1055 Monterey Street, Suite D120, San Luis Obispo will be used as a polling place for these elections.

The Elections Division of the County Clerk-Recorder's Office, located at 1055 Monterey Street, Suite D-120, San Luis Obispo, urges interested candidates to call 805-781-5228 to make an appointment to come in and obtain the Declaration of Candidacy.

NOTICE OF DATE FIXED FOR SUBMITTING ARGUMENTS

ARGUMENTS FOR/AGAINST MEASURE C-17

Arguments for or against Measure C-17 may be submitted to the office of the San Luis Obispo County Clerk-Recorder's, 1055 Monterey Street, D120, San Luis Obispo, CA, 93408, from June 26 - July 14, 2017, Monday through Friday from 8:00 a.m. to 5:00 p.m., except holidays. This time has been determined by the County Clerk-Recorder to be a reasonable period based upon the time necessary to prepare and print the arguments.

Arguments may be submitted by the Board of Supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

No argument shall exceed 300 words in length and shall be accompanied by not more than five signatures. Arguments may be changed or withdrawn until and including the last date to submit arguments fixed by the County Clerk-Recorder. All arguments shall be typed and in paragraph form using upper and lowercase format.

All arguments shall be signed by each author(s) of the argument and be accompanied (on a separate sheet) by the following form statement:

"The undersigned proponent(s) or author(s) of the (primary) or (rebuttal) argument in favor of/against Ballot Measure C-17 at the Special Mail Ballot Election for the Proposed Estrella-El Pomar-Creston Water District to be held on October 17, 2017, hereby state that such argument is true and correct to the best of his/her/their knowledge and belief."

Printed Name/Title

Signed

Date

NOTICE IS ALSO HEREBY GIVEN that if more than one argument FOR or more than one argument AGAINST Measure C-17 is submitted, the County Clerk-Recorder will select the argument FOR and the argument AGAINST, according to law. If an argument FOR and an argument AGAINST Measure C-17 is filed, the County Clerk-Recorder will send a copy to the respective opposing authors in order that they may prepare and submit a rebuttal argument. Rebuttal arguments, if applicable, shall be titled "Rebuttal to Argument (in Favor of) or (Against) Measure C-17." Rebuttal arguments shall not exceed 250 words in length and shall be filed no later than 5:00 p.m., Tuesday, July 25, 2017.

Following each filing deadline, the measure text, arguments for and against, rebuttal arguments, and the impartial analysis will be posted for a ten-day public examination. You may view these items in our office or online at www.slovote.com. Please contact the County Elections office if you have questions at (805)781-5228.

Date: June 8, 2017

TOMMY GONG, County Clerk-Recorder
By: Elaine Cano, Assistant County Clerk-Recorder