

## Carey Casciola

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**From:** Jeff Edwards [REDACTED]  
**Sent:** Wednesday, August 25, 2021 8:35 AM  
**To:** Will Clemens; Carey Casciola  
**Subject:** 2012 Voter Initiative  
**Attachments:** OCSD\_Res 2012-03 Exhibit.pdf; OCSD Water Initiative 2012 Sample Ballot\_County Counsel Warren Jensen Opinion.pdf

Good morning,

Attached please find the previous voter initiative regarding the sale of water and the impartial analysis. Please provide copies to the board members for tonight's meeting. Please let me know if you have any questions.

Thanks,

Jeff

Julie Tacker  
Administrative Assistant

J.H. Edwards Company  
[REDACTED]

ATTACHMENT 1

AN INITIATIVE MEASURE FOR THE ENACTMENT OF AN ORDINANCE BY THE OCEANO COMMUNITY SERVICES DISTRICT

AN ORDINANCE OF THE BOARD OF DIRECTORS REQUIRING THAT AN ELECTION SHALL BE HELD PRIOR TO ANY SALE OF WATER ON A PERMANENT BASIS.

WHEREAS, Oceano's water supply is of critical importance to the welfare, sustainability and growth of Oceano; and WHEREAS, the ratepayers of the district should be included in decisions of this magnitude;

NOW, THEREFORE BE IT ORDAINED, by the Board of Directors of the Oceano Community Services District as follows:

An election shall be held prior to any permanent sale of water to any entity outside the Oceano Community Services District. All details of any proposed sale including impacts to Oceano, shall be presented in a report prepared by a registered water engineer and a certified public accountant. The conclusions of these reports shall be mailed to every registered voter residing in the district no later than 60 days prior to the election.

NOTICE OF INTENTION TO CIRCULATE AN INITIATIVE PETITION

Notice is hereby given of the intention of the persons whose names appear hereon of their intention to circulate the petition with Oceano Community Services District for the purpose of enactment of an ordinance by the District. A statement of the reasons for the proposed action as contemplated in the petition is as follows.

STATEMENT

This initiative is in response to the recent and continuing actions of the OCSD Board regarding the permanent sale of water to developers and entities outside Oceano. These sales are putting Oceano's future growth and sustainability at risk.

Oceano has 1,503AF (acre feet) of reliable water. Oceano currently uses 900AF. Oceano's future demand at present is 1,418AF. The Board is currently proposing water sales of 450AF. This results in a future shortage of 365AF. (Source: OCSD Water Master Plan published in 2009) Equally troubling, the Board is pushing these sales through as quickly as possible without any staff reports or impact studies and without the input of the District's Engineer.

The ratepayers have been paying for these water supplies for years through their bi-monthly water bills. Oceano ratepayers should have the right to be fully informed and the right to vote on water sales that affect our future.

- Greg Jenkins /s/.....1921 Wilmar Ave, Oceano CA 93445
Terry Sweetland /s/.....363 McCarthy Ave, Oceano CA 93445
Pamela Dean /s/.....1921 Wilmar Ave, Oceano Ca 93445
Cathy Young /s/.....1832 Tierra Nueva Lane, Oceano CA 93445
William Smith /s/.....649 Truman, Oceano CA 93445

NOTICE TO PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK

Form with two columns: Left column contains fields for '01.' and '02.' with sub-fields for 'Print Your Name', 'Signature', 'Residence Address Only', 'City', and 'Zip'. Right column is a large empty box for a signature or stamp. A header box at the top reads 'All Signers of this petition must be registered to vote in the Oceano Community Services District (Official Use Only)'.

All Signers of this petition must be registered to vote in the Oceano Community Services District (Official Use Only)

03. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
04. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
05. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
06. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
07. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
08. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
09. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	
10. Print Your Name ..... Signature ..... Residence Address Only ..... City ..... Zip .....	

**DECLARATION OF CIRCULATOR** (To be completed in circulator's own hand after the above signatures have been obtained)

I, ....., (Print Your Full Name) declare;  
 My residence address is ..... (Number, Street and City)  
 And I am a registered voter in the ..... (Name of District) I personally circulated this petition section and witnessed each of the appended signatures being written on the petition and to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be and the appended signatures were obtained between the dates of ..... (Month, Day, Year) and ..... (Month, Day, Year). I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on ..... (Month, Day, Year) at ..... (Place of Signing)

Signature of Circulator.....(First, Middle Name or Initial, Last Name)

**ACTIVITY SCHEDULE FOR OCEANO CSD INITIATIVE PETITION MEASURE  
Election Code §9316**

<p><b>February 23, 2011</b> EC§9309</p>	<p>County Clerk-Recorder presents certificate of sufficiency of the petition to Oceano CSD Board for action.</p>
<p><b>May 9, 2012</b> EC §9310</p>	<p>Governing Board adopts resolution calling for and placing the measure on the General Election ballot. The resolutions must contain the FULL TEXT OF THE MEASURE and the EXACT FORM OF THE QUESTION as it is to appear on the ballot. The question cannot exceed 75 words. If the question is the Full Text of the Measure, this needs to be stated in the resolution. File the original resolution with the Elections Official</p>
<p><b>May 16, 2012</b> EC §9316</p>	<p><b>BY THIS DATE</b> the Elections Official shall send the Notice Calling for Submission of arguments FOR or AGAINST the measure to be published.</p>
<p><b>June 15, 2012</b> EC Sec 9315-9316, 9600-9601</p>	<p><b>PRIMARY ARGUMENTS DUE</b> - File with the County Elections Official. <b>LAST DAY</b> for submitter(s) to change or withdraw Primary Arguments. Arguments cannot exceed 300 words.</p>
<p><b>June 15, 2012</b> EC § 9313</p>	<p><b>IMPARTIAL ANALYSIS DUE</b> from County Counsel</p>
<p><b>June 16- June 25, 2012</b> EC § 9380, 9509</p>	<p><b>PUBLIC EXAMINATION PERIOD</b> – Measure question, Primary Arguments &amp; Impartial Analysis.</p>
<p><b>June 29, 2012</b> EC § 9317, 9600-9601</p>	<p><b>REBUTTAL ARGUMENTS DUE</b> - File with the County Elections Official. <b>LAST DAY</b> for submitter(s) to change or withdraw Rebuttal Arguments. Rebuttal arguments cannot exceed 250 words.</p>
<p><b>June 30-July 9</b> EC § 9380, 9509</p>	<p><b>PUBLIC EXAMINATION PERIOD</b> - For Rebuttals Only.</p>

**OCEANO COMMUNITY SERVICES DISTRICT  
IMPARTIAL ANALYSIS OF MEASURE B-12**

This measure will determine whether the Board of Directors of the Oceano Community Services District ("the Board") shall be required to hold an election prior to the sale of any water to an entity residing outside of the jurisdictional boundaries of the Oceano Community Services District ("OCSD").

This measure is proposed by an initiative petition. The statement of the measure indicates that one primary purpose of the measure is to provide the OCSD rate payers with the right to be fully informed about water supply contracts which may affect the water supply available to the OCSD, and to provide the rate payers with the right to vote on water sales that may affect their future.

Approval of the measure would enact an ordinance requiring that an election be held prior to any permanent sale of water to any entity residing outside the jurisdictional boundaries of the OCSD. The ordinance will require that all details of any proposed sale, including impacts to Oceano, shall be presented in a report prepared by a registered water engineer and a certified public accountant. Under the terms of the measure, the report must be mailed to every registered voter residing in the District no later than 60 days prior to the election.

The measure does not specify the exact question that shall be posed to the voters of the District if an election is required by the measure. From the stated purpose, County Counsel presumes that the question would be something to the following effect: Whether the Board of the OCSD shall sell water to [a specific entity], which entity resides outside of the jurisdictional boundaries of the OCSD.

The OCSD has three sources of water supply: ground water; water received from Lake Lopez, which is governed by a contract with the San Luis Obispo Flood Control and Water Conservation District (SLOFCWCD); and state water, which is also governed by a contract between the SLOFCWCD and the OCSD. It is unclear from the measure whether the measure is intended to apply to all water supply sources. If so, the measure may conflict with provisions of those contracts governing the authority of the OCSD to sell water outside of the boundaries of the OCSD.

The measure may be subject to legal challenge on one or more grounds, including that it is beyond the power of the electorate to enact because the legislature has delegated to community services district governing boards the power to sell water and, additionally, because the matter of who or which entity the OCSD may contract with to sell water is an administrative matter not within the initiative power of the voters.

A "Yes" vote on this measure is a vote in favor of requiring that an election be held prior to any permanent sale of water to any entity outside the OCSD.

A "No" vote on this measure is a vote against requiring that an election be held prior to any permanent sale of water to any entity outside the OCSD.

s/ WARREN JENSEN  
County Counsel

**The above is an impartial analysis of Measure B-12. If you desire a copy of the full text of the measure, it is available on the County Clerk-Recorder's website at <http://www.slovote.com> or call (805) 781-5228 and a copy will be mailed to you.**

**NO ARGUMENTS FOR OR AGAINST MEASURE B-12 WERE SUBMITTED**