



County of San Luis Obispo Shandon-San Juan Water District Special Formation Election Tuesday, April 11, 2017

Voter Information Guide

- This is a mailed ballot election for the landowners within the proposed Shandon-San Juan Water District located in the County of San Luis Obispo. Your OFFICIAL BALLOT, along with this Voter Information Guide, is contained in your Vote-By-Mail packet. There is no sample ballot in this booklet since your OFFICIAL BALLOT is included. If you desire a copy of the ballot, you can download one from www.slovote.com or call 781-5228 to request one. This will be the only official mailing.
- Your voted ballot must be received by 8:00pm, Tuesday, April 11, 2017. You can return your ballot to the Clerk-Recorder's Offices in San Luis Obispo or Atascadero between 7:00am and 8:00pm on Election Day.
- **Vote by Mail Status:** Check the status of your returned Vote- By-Mail ballot by inquiring the Clerk-Recorder at 781-5228
- **Questions?** Contact the Clerk-Recorder via email at elections@co.slo.ca.us or by phone at 781-5228

www.slovote.com

Follow us:

 facebook.com/slocountyclerkrec

 twitter.com/slocountyclerk

VOTE BY MAIL INSTRUCTIONS TO VOTERS

Use any black or blue colored pen or pencil to mark your ballot. Follow the “Instructions To Voters” on your OFFICIAL BALLOT to vote.

WHEN YOU HAVE FINISHED VOTING

1. Fold and tear off the ballot, and seal it in the I.D. Return Envelope provided.
2. Sign and print your name in the spaces provided. Please do not allow someone else to sign on your behalf.

IMPORTANT: If you do not sign your envelope, your ballot will not be counted.

3. You may vote and return your ballot as soon as you receive it; you do not have to wait until Election Day. However, be aware that once your ballot is returned to the Elections Office, either in person or by mail, it is considered “in the ballot box” and may not be retrieved.
4. Spoiled Ballot? If you make a mistake, tear or deface any portion of your ballot, call the Elections Office at 781-5228 so that a replacement ballot may be sent to you.

VOTER’S PAMPHLET INFORMATION SECTION

The following pages contain voter information applicable to your ballot, and include:

- ELIGIBILITY TO VOTE AND VOTE ALLOCATION
- THE FULL TEXT OF MEASURE A-17
- IMPARTIAL ANALYSIS OF MEASURE A-17

ELIGIBILITY TO VOTE AND VOTE ALLOCATION

The principal act that governs the formation of this District is the California Water District Act.

Pursuant to California Water Code Section 35004, every voter, or his/her legal representative, may vote at any district election either in person or by a person duly appointed as his/her proxy.

Definitions

WC = Water Code

GC = Government Code

EC = Elections Code

“Voter” means a person who is a holder of title.
(WC 34027)

“Holder of title” shall mean the owner of record of the fee title to land; provided, however, in the event the owner of record of such fee title has conveyed the equitable title to such land by way of a land sale contract and such contract or a memorandum thereof is recorded, “holder of title” shall mean the contract vendee thereunder and not the record owner of the fee title. (WC 34026)

“Landowner” or “owner of land” means any of the following:

(a) A person or persons shown as the owner of land on the last equalized assessment roll prepared by the county at the time the determination is required to be made pursuant to the requirements of this division. Where that person or persons are no longer the owner, the landowner or owner of land is any person or persons entitled to be shown as the owner of land on the next equalized assessment roll.

(b) Where land is subject to a recorded written agreement of sale, any person shown in the agreement as the purchaser.

(c) Any public agency owning land other than highways, rights-of-way, easements, waterways, or canals. (GC 56048)

“Last equalized assessment roll” means the listing in use by a county, city, or district for the purpose of the annual levy and collection of any taxes or assessments.

This section does not require the use of the supplemental roll prepared pursuant to Chapter 3.5 (commencing with Section 75) of Part 0.5 of Division 1 of the Revenue and Taxation Code. (GC 56051)

“Legal representative” means either of the following:

(a) A duly appointed and acting guardian, executor, or administrator of the estate of a holder of title to land.

(b) A person duly authorized to act for, and on behalf of, a holder of title to land that is not a natural person. (WC 34030)

Determination of Ownership

As the District has not been formed, there is not an equalized assessment book of the district; therefore, per Water Code Section 35003 which states in part, “The last equalized assessment book of the district is conclusive evidence of ownership... except that in the event that an assessment for a district shall not have been made and levied for the year in which the election is held, the last assessment roll of each affected

county shall be used in lieu of the assessment book of the district as evidence of ownership.”

Allocation of Votes

Each voter 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. (WC 35003)

**SAN LUIS OBISPO COUNTY
FULL TEXT OF MEASURE A-17**

FORMATION OF SHANDON-SAN JUAN WATER DISTRICT. Shall the order adopted on October 20, 2016, by the Local Agency Formation Commission of San Luis Obispo County ordering the formation of a district in the territory described, known as the Shandon-San Juan Water District, be conditionally approved subject to the terms and conditions specified in the order?

Yes
No

**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 SHANDON-SAN JUAN WATER
DISTRICT SHALL BE APPROVED AND OF CANDIDATES
FOR BOARD OF DIRECTORS
FOR SAID DISTRICT**

WHEREAS, on October 20, 2016, by Resolution No. 2016-08, the San Luis Obispo County Local Agency Formation Commission (“LAFCO”) conditionally approved the formation of the Shandon-San Juan 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. 2016-08 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 November 23, 2016, pursuant to the Cortese-Knox-Hertzberg Act, specifically California Government Code section 57000, subdivision (d) and (e), LAFCO notified the Board of Supervisors and the County Clerk and Ex-Officio Registrar of Voters (“the Elections Official”) that LAFCO made a determination requiring 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 October 20, 2016, 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, so far 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 April 11, 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 conducted 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 October 20, 2016, 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:

QUESTION 1:

Shall the order adopted on October 20, 2016, by the Local Agency Formation

Commission of San Luis Obispo County ordering the formation of a district in the territory described, known as the Shandon-San Juan 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 October 20, 2016, 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 April 11, 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 Shandon-San Juan Water District shall be

obtained at the office of the County of San Luis Obispo Elections Official (Clerk-Recorder) during the period of December 19, 2016 through January 13, 2017.

Declarations of Candidacy shall be filed not later than 5 p.m. on January 13, 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.

Boundary Map of the Shandon-San Juan Water District: A map of the boundaries of the proposed water district can be found at www.slovote.com for reference.

IMPARTIAL ANALYSIS FOR MEASURE A-17 FORMATION OF THE SHANDON-SAN JUAN WATER DISTRICT

The proposed Shandon-San Juan Water District (Water District) is approximately 144,000 acres. The Water District generally lies east of Highway 101 and of the Cities of Paso Robles and Atascadero, and the community of Templeton. To the north the Water District boundary is the Monterey-San Luis Obispo County line. The Water District's service area boundary includes the rural, unincorporated properties in San Luis Obispo County that overlie a portion of the Paso Robles Groundwater Basin.

The purpose of the Water District is to provide for the sustainable management of portions of the Paso Robles Groundwater Basin. The responsibilities of the Water District would include compliance with the Sustainable Groundwater Management Act (SGMA) within its boundaries. SGMA requires the preparation of a Groundwater Sustainability Plan (GSP) for basins identified by the Department of Water Resources (DWR) as medium and high-priority basins. DWR has identified the Paso Robles Basin as a high-priority basin. If the Water District is not formed, the County or the State would be responsible for SGMA compliance. If the Water District is formed it would be a Groundwater Sustainability Agency or be part of a Groundwater Sustainability Agency.

The formation process and powers of the proposed District are described in the San Luis Obispo LAFCO staff report prepared for the October 20, 2016 meeting. For the District to be formed a majority of the landowner-voters who submit ballots and own a majority of the acreage within the boundary must approve the formation. Also, the Water District must complete the assessment process subject to proposition 218 procedures to fund the District within one year of being formed. The Water District's five-member landowner Board of Directors would be elected by landowners based on acreage

owned within the boundary. The Water District is not allowed to import, export, or transfer water outside of the Paso Robles Groundwater Basin. The Water District's sewer power is inactive. Other conditions of approval were adopted as part of the formation of the Water District.

A "yes" vote on this measure requires the acreage of an individual property to be counted in favor of forming the Shandon-San Juan Water District. A "no" vote on this measure requires the acreage to be counted against forming the Water District. A majority of the "yes" votes cast by the landowner-voters who own a majority of the acreage within the boundary is needed to approve the formation. If a majority of "no" votes who own a majority of the acreage in the boundary are cast, the Water District would not be formed.

The above statement is an impartial analysis of Measure A-17. If you desire a copy of the measure, please call the County Elections Office at 805-781-5228 and a copy will be mailed at no cost to you.

by/David A. Church, Executive Officer
San Luis Obispo LAFCO

OPTIONS FOR RETURNING YOUR BALLOT

Your ballot must be received by the County Elections Official no later than 8 p.m. on Election Day, as provided below.

1) **You may drop your ballot off in person at the following locations:**

- San Luis Obispo – 1055 Monterey Street, Suite D-120, 8:00am to 5:00pm, Monday through Friday and on Election Day between 7:00am and 8:00pm.
- Atascadero – 6565 Capistrano Avenue, 2nd Floor, 7:30am to 4:00pm, Monday through Friday and on Election Day between 7:00am and 8:00pm.
- A 24-Hour Drop Box is also available at our San Luis Obispo office.

2) **You may return your ballot by mail, subject to the following:**

- Your ballot should be mailed in time to be received by the County Elections Official by 8:00 p.m. on Election Day.

Note: New regulations allow election officials to accept vote by mail ballots that are **postmarked** on or before Election Day and received by mail no later than three days after Election Day.

REASONS WHY YOUR BALLOT MAY NOT BE COUNTED

1. The ballot arrives after the deadline.
2. The voter did not sign the envelope.
3. Someone who is not authorized to vote in the election signed the envelope.
4. Ballot returned without the I.D. Return Envelope.

ASSISTANCE FOR THE VISUALLY IMPAIRED VOTER: For the visually impaired, audio tapes of the Ballot Measures are available from the Elections Division of the County Clerk-Recorder's Office at 781-5228.