

MINUTE ITEM

11. (PROPOSED ANNEXATIONS BY THE CITY OF SANTA BARBARA - W. O. 2400.3.)

The Executive Officer presented to the Commission Supplemental Informative Calendar Item 17, copy of which is attached, covering a report on proposed annexation by the City of Santa Barbara of tide and submerged lands in the so-called "sanctuary area".

Assemblyman James L. Homes from the 36th District (Santa Barbara) introduced the following representatives from that area:

The Honorable John J. Hollister, Jr., State Senator from the
31st District (Santa Barbara)
The Honorable Vern Thomas, District Attorney of Santa Barbara County
The Honorable John T. Rickard, Mayor of the City of Santa Barbara
Harrison Ryon, Attorney
Albert Eaves, County Auditor
Oren D. Sexton of the Hope Ranch Park Homes Association
Garrett Van Horne, President of the Goleta Valley Chamber of Commerce
Russell L. Williams, an interested citizen
Thomas L. Kleveland of the Santa Barbara News Press

Assemblyman Holmes stated that as a representative of Santa Barbara and of the Assembly, he was not taking sides pro or con.

District Attorney Vern Thomas of Santa Barbara County opened the discussion by introducing an "Oil Sanctuary" map prepared by the Planning Commission of the City of Santa Barbara, which map is to be marked Exhibit "A" and made a part of the official file copy of these minutes by reference. Said map shows specific areas as follows:

Hope Ranch Park
Montecito
City of Santa Barbara
Goleta Valley
Hope-Mission Canyon Zoning Districts
City Airport
University of California
Sanctuary East Boundary
Sanctuary West Boundary

Mr. Thomas stated that he regretted the necessity of having to appear before the Commission, but that the matter is such that the interests of the State are involved, as well as the powers and duties of the Commission. He spoke at considerable length against this sudden attempt at annexation of all of the tidelands involved in the entire sanctuary area, involving some fifteen miles beyond the easterly and westerly boundaries of the City, and that this action could well set up a chain reaction by other communities to take tidelands for many purposes. He felt that when one city suddenly seeks to claim rights to a particular area, it is very doubtful that it should be granted that unusual privilege, because as a result there might be a vicious "gobbling up" by other cities. It was his contention that such an annexation would

directly affect the State's interests for the reason that it would affect the royalty rates on tidelands oil and gas leases, which rates he felt would be lower if the area were included in the City of Santa Barbara than they would be if such territory was not in city boundaries. On behalf of the County of Santa Barbara, Mr. Thomas urged the Commission to view the matter from the standpoint of the interests of the State of California and of the people of California. He stated that such annexation must be stopped at this time, explaining that this could be accomplished under Section 35313 of the Government Code, which provides that if protests are made by owners of one-half of the value of the territory as shown on the last assessment roll, or if protest is made by public and private owners equal to one-half of the value of the territory proposed to be annexed, further proceedings shall not be taken. During his presentation Mr. Thomas indicated that the communities of Hope Ranch Park, Goleta, Montecito and Summerland, all of which would be affected by the proposed annexation, are opposed to this action by the City of Santa Barbara. He pointed out that under the datum plane being used by the City of Santa Barbara, sea level is computed differently than is commonly construed, as a result of which many jurisdictional problems might arise in the area proposed to be annexed. He deplored the sudden attempt at annexation by the City of Santa Barbara, without allowing for a preliminary interchange of information, and stated he honestly believed that the interests of the State of California and the powers and duties of the State Lands Commission are involved. He further contended that the unincorporated areas which will be directly affected by the annexation prefer to work out their own destiny and are not asking for help from the City of Santa Barbara, and that the County of Santa Barbara as a whole is willing and anxious that the State Lands Commission have full discretion with respect to the tidelands. Finally he indicated that he was present at the Commission meeting because he had been so directed by all five members of the Board of Supervisors, and that he was also representing the City of Santa Barbara as far as its supervisorial districts were concerned.

Mr. Oren Sexton, representing the Hope Ranch Park, spoke against the annexation. Mr. Garrett Van Horne, appearing on behalf of various Goleta organizations and as a farmer in the community, spoke against annexation and urged the Commission, as statutory trustee for the people of California, to interest itself in the matter.

Mr. Milton Duncan, representing the Summerland Citizens Association, spoke at length about the interests of the people, particularly those in the Summerland area, and stated that he felt that the type of annexation proposed was never intended by the law and that his group opposes this annexation.

Mr. Harrison Ryon, Attorney, and Vice-President of the Montecito Protective and Improvement Association, spoke against annexation, stating that he felt it was never the intent of the law to allow annexations of shoestring strips, and that although Article 5 of the Government Code does not limit the length of such a strip, Article 3 of that Code appears to limit it to the length of the county. He indicated that people have a right to vote when they are going to be annexed, and as there is nobody in the ocean to vote, the riparian, littoral and other owners along the waterfronts should have rights in those waters, and that they do not want their "front door" taken away through a gerrymander.

Mayor John T. Rickard of the City of Santa Barbara spoke at considerable length in favor of the proposed annexation, and attempted to refute statements made by those appearing earlier against the annexation, contending that ample notice had been given of the intentions of the City of Santa Barbara. He also indicated that he did not feel that any move had been interposed that would interfere in the slightest with the jurisdiction of the State Lands Commission.

Upon questioning by the Chairman as to whether the Commission had jurisdiction in the matter, the Executive Officer stated that that point was still to be resolved, and, pending receipt of a formal opinion from the Attorney General, he felt that no action should be taken by the Commission. The Chairman then asked how much time the Commission had to take action in the matter, and was informed by Deputy Attorney General Jay L. Shavelson that it had 40 to 60 days after enactment of the resolution. As the next meeting of the City Council of Santa Barbara was to be held on April 11, 1957, the forty days would run beyond the date of the next meeting of the State Lands Commission.

The Executive Officer informed the Commission that if, upon receipt of the opinion of the Attorney General, it was found that the Commission had jurisdiction, he would formulate a recommendation for action, including therein a statement of the basis for such recommendation.

Attachment:

Calendar Item 17 (1 page)

There being no further business to come before the Commission, the meeting was adjourned at 12:55 p.m.

CALENDAR ITEM

SUPPLEMENTAL

INFORMATIVE

17.

(PROPOSED ANNEXATIONS BY THE CITY OF SANTA BARBARA - W. O. 2400.3.)

On March 22, 1957, this office received advice that the City of Santa Barbara had indicated that it proposed to extend its boundaries to the east and to the west along the coast so as to include all of the tide and submerged lands in the so-called "sanctuary area" as set forth in the Cunningham-Shell Act. Upon consultation with the office of the Attorney General, a telegram was sent on March 23, 1957, by Deputy Attorney General John F. Hassler to the Chairman of the County Boundary Commission which was to investigate and report as to its recommendations with respect to the change in boundaries.

It was learned that the County Boundary Commission had the matter in hand and was expected to render a report to the City Council of Santa Barbara at its meeting set for April 11, 1957. It was further learned that upon receipt by the City Council of recommendations from the County Boundary Commission, the Council would set a date in the future, forty to sixty days ahead, at which time a hearing would be held by the Council. Following that hearing, the City Council would probably take such action as it would deem legal and appropriate.

The question as to the extent of authority of the State Lands Commission in cases of this character is presently under consideration by the office of the Attorney General.

This office has been the recipient of telegrams and letters from residents of upland communities such as Summerland and Goleta, protesting the proposed annexation which covers tide and submerged lands adjoining these communities. It is understood that representatives of these communities are in attendance at this meeting and desire to be heard.

On April 1, 1957, the Board of Supervisors of the County of Santa Barbara passed and adopted a resolution opposing the proposed annexation, and requesting that the Governor of the State, the members of the State Lands Commission, and the Attorney General of the State of California protest before the Council of the City of Santa Barbara, at such time as the public hearings on this matter may be held, inclusion of any of the tidelands beyond the east and west limits of the boundaries of the City of Santa Barbara. If the Commission agrees, it is proposed to have this resolution incorporated in the transcript of this meeting.



RUFUS W. PUTNAM
Executive Officer