

AMENDED IN SENATE AUGUST 17, 2015  
AMENDED IN SENATE JULY 1, 2015  
AMENDED IN ASSEMBLY MAY 5, 2015  
AMENDED IN ASSEMBLY APRIL 27, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3**

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**Introduced by Assembly Member Williams**

December 1, 2014

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An act to add Part 4 (commencing with Section 61250) to Division 3 of Title 6 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as amended, Williams. Isla Vista Community Services District. The Community Services District Law authorizes the establishment of community services districts and specifies the powers of those districts including, among others, the power to acquire, construct, improve, maintain, and operate community facilities, as specified. Existing law authorizes the formation of the Isla Vista College Community Services District within the unincorporated area of Santa Barbara County known as Isla Vista for the performance of various services, including, but not limited, to public parks, police protection, and transportation facilities.

This bill would authorize the establishment of the Isla Vista Community Services District by requiring the Board of Supervisors of the County of Santa Barbara to submit a resolution of application to the

Santa Barbara County Local Agency Formation Commission, ~~and~~ *and*, upon direction by the commission, place the ~~question~~ *questions* of whether the district should be established *and whether a utility user tax should be imposed* on the ballot at the next countywide election following the completion of the review by the commission. By imposing new duties on the County of Santa Barbara, this bill would impose a state-mandated local program. The bill would ~~require the district, if established, to place the question of the imposition of a utility user tax on the ballot, and would~~ provide that if a utility user tax is not passed by the voters of the district on or before January 1, 2023, the district would be dissolved. The bill would set forth the board of directors of the district and would specify the services that district would be authorized to provide, including, among others, the power to create a tenant mediation program and to exercise the powers of a parking district.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Isla Vista Community Services District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Isla Vista community encompasses a population of
- 4 approximately 15,000 residents situated within approximately a
- 5 half square mile of land in Santa Barbara County. It is adjacent to
- 6 the University of California, Santa Barbara (UCSB) campus and
- 7 its student population, of which approximately 8,000 students
- 8 reside in university owned housing. Including university property,
- 9 the area totals about 1,200 acres. Isla Vista represents one of the
- 10 largest urban communities in California not governed as a city.

1 (b) Isla Vista faces various challenges in local governance. As  
2 a university community, Isla Vista must accommodate the service  
3 needs associated with its transient student population and a  
4 predominantly renter-oriented community while balancing the  
5 needs of local homeowners and long-term residents. Isla Vista's  
6 situation is complicated by its unincorporated status, which limits  
7 its local participation in managing public services and providing  
8 needed public improvements.

9 (c) As an unincorporated area, various county agencies provide  
10 services to the residents and businesses of Isla Vista. Since these  
11 agencies must provide services throughout the whole county, Isla  
12 Vista must compete for attention and funding for the services they  
13 need. Isla Vista is represented at the county level by one of five  
14 supervisors and is situated in the largest and most diverse  
15 geographic supervisorial district in the county. The Isla Vista  
16 Recreation and Park District is the only local district providing  
17 limited services exclusively to Isla Vista.

18 (d) There have been multiple attempts at achieving cityhood  
19 for Isla Vista, however, cityhood has been denied for a variety of  
20 reasons, including financial and political feasibility. In 2003, the  
21 Santa Barbara County Grand Jury found that establishing a  
22 community services district would be the best governance option  
23 to expand and improve services to Isla Vista, however, no action  
24 was taken by the community at that time.

25 (e) Over the last year, the Isla Vista community has been faced  
26 with many challenges due to tragic events, including multiple  
27 injuries from students falling off cliffs, multiple violent sexual  
28 assaults, riots, a mass murder, and homicides that have brought  
29 focus to the unique needs of Isla Vista that can only be addressed  
30 by direct, local governance. Following these events, a local  
31 coalition was formed to determine the best direction for Isla Vista  
32 self-governance and the community services district has garnered  
33 much local support.

34 (f) Additionally, following these events, many trustees on the  
35 UC Santa Barbara Foundation Board expressed a strong desire to  
36 support the chancellor and the university in efforts to create change  
37 in Isla Vista, to ensure a safer and more enhanced community for  
38 students. The UC Santa Barbara Foundation Trustees' Advisory  
39 Committee on Isla Vista Strategies was formed to analyze the  
40 conditions and dynamics of Isla Vista and develop mid- and

1 long-term recommendations to establish a viable, safe, and  
2 supportive environment. Among their recommendations is that the  
3 State of California create a Community Services District/Municipal  
4 Improvement District in Isla Vista with potential powers of  
5 infrastructure, utilities, garbage, police services, parks, recreation,  
6 cultural facilities, fire, security, and roads.

7 SEC. 2. Part 4 (commencing with Section 61250) is added to  
8 Division 3 of Title 6 of the Government Code, to read:

9

10 PART 4. ISLA VISTA COMMUNITY SERVICES DISTRICT

11

12 61250. (a) (1) Notwithstanding Chapter 2 (commencing with  
13 Section 61010) of Part 1, the Isla Vista Community Services  
14 District may be established in accordance with this part. All other  
15 provisions of this division shall apply to the Isla Vista Community  
16 Services District upon its establishment, except as provided in this  
17 part.

18 (2) *Except as provided in this part, the Cortese-Knox-Hertzberg*  
19 *Local Government Reorganization Act of 2000 (Division 3*  
20 *(commencing with Section 56000) of Title 5) shall govern any*  
21 *change of organization or reorganization of the district following*  
22 *the establishment of the district.*

23 (b) (1) On or before January 5, 2016, the Board of Supervisors  
24 of the County of Santa Barbara shall file a resolution of application  
25 with the Santa Barbara County Local Agency Formation  
26 Commission, pursuant to subdivision (a) of Section 56654, to  
27 initiate a comprehensive review and recommendation of the  
28 formation of the district by the Santa Barbara County Local Agency  
29 Formation Commission. The board of supervisors shall pay any  
30 fees associated with the resolution of application.

31 (2) The Santa Barbara County Local Agency Formation  
32 Commission shall complete the review no later than 120 days  
33 following receipt of the completed resolution of application.  
34 Notwithstanding any other law, the Santa Barbara County Local  
35 Agency Formation Commission shall not have the power to  
36 disapprove the resolution of application.

37 (3) Notwithstanding any other law, the resolution of application  
38 filed by the board of supervisors pursuant to this subdivision shall  
39 not be subject to any protest proceedings.

1 (c) (1) ~~(A) The board of supervisors shall place the question~~  
2 ~~of whether the Isla Vista Community Services District shall be~~  
3 ~~established on the ballot at the next countywide~~ *The Santa Barbara*  
4 *County Local Agency Formation Commission shall order the*  
5 *formation of the district subject to a vote of the registered voters*  
6 *residing within the boundaries of the district, as those boundaries*  
7 *are set forth in subdivision (e), at an election following the*  
8 *completion of the review pursuant to subdivision (b). If a majority*  
9 *of voters within the boundaries of the district, as specified in*  
10 *subdivision (d), vote in favor of the district, the district shall be*  
11 *formed in accordance with this part.*

12 ~~(B) The board of supervisors shall additionally place the~~  
13 ~~candidates for the five elected positions on the initial board of~~  
14 ~~directors of the district on the ballot at the same election at which~~  
15 ~~the question of whether to establish the district is placed on the~~  
16 ~~ballot.~~

17 (2) ~~If the district is formed pursuant to paragraph (1), the board~~  
18 ~~of directors of the district shall place a utility user tax on the ballot,~~  
19 ~~pursuant to paragraph (9) of subdivision (e). If the voters of the~~  
20 ~~district do not vote to impose a utility user tax within the district~~  
21 ~~on or before January 1, 2023, the district shall be dissolved as of~~  
22 ~~that date.~~

23 (2) (A) *The Santa Barbara Local Agency Formation*  
24 *Commission shall determine the appropriate rate of taxation for*  
25 *a utility user tax, applicable utilities to be taxed, and which services*  
26 *the district will be initially authorized to provide, pursuant to*  
27 *subdivision (d) and paragraph (5) of subdivision (h). The rate shall*  
28 *be no lower than 5 percent and no higher than 8 percent of the*  
29 *total cost of an individual's service charge for the utility being*  
30 *taxed.*

31 (B) *The utility user tax shall only be applied to electricity,*  
32 *garbage disposal, gas, sewage, or water services.*

33 (C) *The board of directors of the district shall, within six months*  
34 *of the passage of a utility user tax, develop a low-income exemption*  
35 *to provide tax exemptions to those who would be disproportionately*  
36 *burdened by the utility user tax.*

37 (3) *If the voters of the district do not vote to impose a utility*  
38 *user tax within the district on or before January 1, 2023, regardless*  
39 *of whether the establishment of the district is approved by the*  
40 *voters of the district, the district shall be dissolved as of that date.*

1     (4) *The Santa Barbara Local Agency Formation Commission*  
2 *shall direct the Santa Barbara County Board of Supervisors to*  
3 *direct county officials to conduct the necessary elections on behalf*  
4 *of the proposed district and place the items on the ballot including*  
5 *district approval, candidates for the district’s board, and the utility*  
6 *user tax pursuant to subparagraph (A) of paragraph (2) at the*  
7 *next countywide election, as provided in subdivision (f) of Section*  
8 *61014.*

9     (d) (1) *The initial utility user tax imposed by the district shall*  
10 *only be used to fund the following services and powers of the*  
11 *district:*

12     (A) *Finance the operations of municipal advisory councils*  
13 *formed pursuant to Section 31010.*

14     (B) *Create a tenant mediation program.*

15     (C) *Finance the operations of area planning commissions*  
16 *formed pursuant to Section 65101.*

17     (D) *Exercise the powers of a parking district, in the same*  
18 *manner as a parking district formed pursuant to the Parking*  
19 *District Law of 1951 (Part 4 (commencing with Section 35100) of*  
20 *Division 18 of the Streets and Highways Code).*

21     (E) *Contract with the County of Santa Barbara or the Regents*  
22 *of the University of California, or both, for additional police*  
23 *protection services above the level of police protection services*  
24 *already provided by either the County of Santa Barbara or the*  
25 *Regents of the University of California within the area of the*  
26 *district.*

27     (F) *Acquire, construct, improve, maintain, and operate*  
28 *community facilities, including, but not limited to, community*  
29 *centers, libraries, theaters, museums, cultural facilities, and child*  
30 *care facilities.*

31     (G) *Acquire, construct, improve, and maintain sidewalks,*  
32 *lighting, gutters, and trees above the level of service already*  
33 *provided by either the County of Santa Barbara or County Service*  
34 *Area 31. The district shall not acquire, construct, improve, or*  
35 *maintain any work owned by another public agency unless that*  
36 *other public agency gives its written consent.*

37     (H) *Abate graffiti.*

38     (2) *This subdivision shall not be construed to limit the services*  
39 *that may be funded by a tax imposed at a later date.*

40     (†)

1 (e) (I) Notwithstanding Chapter 1 (commencing with Section  
2 61020), Chapter 2 (commencing with Section 61025), and Chapter  
3 3 (commencing with Section 61040) of Part 2, the board of  
4 directors of the district shall be composed as follows:

5 ~~(1)~~-(A) (i) Five members elected at large from within the  
6 district as follows:

7 ~~(B)~~

8 (I) Four members shall be elected for terms of four years. For  
9 the first election of the board of directors of the district, two  
10 members shall be elected for a term of two years and two members  
11 shall be elected for a term of four years.

12 ~~(C)~~

13 (II) One member shall be elected for a term of two years.

14 ~~(2)~~

15 (B) One member appointed by the Board of Supervisors of the  
16 County of Santa Barbara for a term of two years for the first  
17 appointment following the creation of the district, and for a term  
18 of four years thereafter.

19 ~~(3)~~

20 (C) One member appointed by the Chancellor of the University  
21 of California, Santa Barbara for a term of four years.

22 ~~(4)~~

23 (2) (A) There shall be no limit on the number of terms any  
24 individual may serve on the board of directors of the district,  
25 whether that individual is appointed or elected.

26 (B) *The qualification of candidates for the initial board of*  
27 *directors shall be conducted pursuant to the Uniform District*  
28 *Election Law (Part 4 (commencing with Section 10500) of the*  
29 *Elections Code).*

30 ~~(e)~~

31 (f) The boundaries of the district shall be contiguous with the  
32 area known as County Service Area No. 31 within the County of  
33 Santa Barbara.

34 (g) *The district shall have all the powers listed in Section 61100*  
35 *except those powers specified in subdivision (e) and (f) the that*  
36 *section.*

37 ~~(f)~~

38 ~~(h) Section 61100 shall not apply to the district. The~~ *In addition*  
39 *to the powers in subdivision (g), the district may, within its*  
40 *boundaries, do any of the following:*

1 ~~(1) Finance the operations of municipal advisory councils~~  
2 ~~formed pursuant to Section 31010.~~  
3 ~~(2)~~  
4 (1) Create a tenant mediation program.  
5 ~~(3) Finance the operations of area planning commissions formed~~  
6 ~~pursuant to Section 65101.~~  
7 ~~(4)~~  
8 (2) Exercise the powers of a parking district, in the same manner  
9 as a parking district formed pursuant to the Parking District Law  
10 of 1951 (Part 4 (commencing with Section 35100) of Division 18  
11 of the Streets and Highways Code).  
12 ~~(5)~~  
13 (3) Contract with the County of Santa Barbara or the Regents  
14 of the University of California, or both, for additional police  
15 protection services above the level of police protection services  
16 already provided by either the County of Santa Barbara or the  
17 Regents of the University of California within the area of the  
18 district.  
19 ~~(6) Acquire, construct, improve, maintain, and operate~~  
20 ~~community facilities, including, but not limited to, community~~  
21 ~~centers, libraries, theaters, museums, cultural facilities, and child~~  
22 ~~care facilities.~~  
23 ~~(7)~~  
24 (4) Acquire, construct, improve, and maintain sidewalks,  
25 lighting, gutters, and trees *beyond the level of service provided by*  
26 *either the County of Santa Barbara or County Service Area 31.*  
27 The district shall not acquire, construct, improve, or maintain any  
28 work owned by another public agency unless that other public  
29 agency gives its written consent.  
30 ~~(8) Abate graffiti.~~  
31 ~~(9)~~  
32 (5) Levy a utility user tax ~~at a rate specified by~~ *proposed by*  
33 *resolution of the board of directors of the district and* pursuant to  
34 approval by a two-thirds vote in accordance with Section 2 of  
35 Article XIII C of the California Constitution *on the utilities of gas,*  
36 *water, electricity, sewer, or garbage disposal services. A utility*  
37 *user tax imposed by the district shall not apply to any utility*  
38 *provided by a telecommunications service provider.*

1 ~~(g) The district shall not have the power to organize, promote,~~  
2 ~~conduct, or advertise programs of community recreation in the~~  
3 ~~same manner as the Isla Vista Recreation and Park District.~~

4 ~~(h)~~

5 (i) The district does not possess, and shall not exercise, the  
6 power of eminent domain.

7 ~~(i)~~

8 (j) As used in this part, the term “district” means the Isla Vista  
9 Community Services District formed pursuant to this part.

10 SEC. 3. The Legislature finds and declares that a special law  
11 is necessary and that a general law cannot be made applicable  
12 within the meaning of Section 16 of Article IV of the California  
13 Constitution because of the unique community needs in the Isla  
14 Vista area that would be served by the Isla Vista Community  
15 Services District.

16 SEC. 4. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.