

AMENDED IN SENATE SEPTEMBER 4, 2015

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

Introduced by Assembly Member Williams

December 1, 2014

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, upon direction by the commission, place the 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 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.
- 11 (b) Isla Vista faces various challenges in local governance. As
- 12 a university community, Isla Vista must accommodate the service

1 needs associated with its transient student population and a
2 predominantly renter-oriented community while balancing the
3 needs of local homeowners and long-term residents. Isla Vista’s
4 situation is complicated by its unincorporated status, which limits
5 its local participation in managing public services and providing
6 needed public improvements.

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

16 (d) *The Isla Vista Recreation and Park District is the only local*
17 *district providing limited services exclusively to Isla Vista. Due to*
18 *its stewardship of protected wetlands and the coastline, as well as*
19 *the dwindling amount of available open space, the Isla Vista*
20 *Recreation and Park District should remain an independent*
21 *district.*

22 ~~(d)~~

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

30 ~~(e)~~

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

40 ~~(f)~~

1 (g) Additionally, following these events, many trustees on the
 2 UC Santa Barbara Foundation Board expressed a strong desire to
 3 support the chancellor and the university in efforts to create change
 4 in Isla Vista, to ensure a safer and more enhanced community for
 5 students. The UC Santa Barbara Foundation Trustees’ Advisory
 6 Committee on Isla Vista Strategies was formed to analyze the
 7 conditions and dynamics of Isla Vista and develop mid- and
 8 long-term recommendations to establish a viable, safe, and
 9 supportive environment. Among their recommendations is that the
 10 State of California create a Community Services District/Municipal
 11 Improvement District in Isla Vista with potential powers of
 12 infrastructure, utilities, garbage, police services, parks, recreation,
 13 cultural facilities, fire, security, and roads.

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

16
 17 PART 4. ISLA VISTA COMMUNITY SERVICES DISTRICT
 18

19 61250. (a) ~~(1)~~Notwithstanding Chapter 2 (commencing with
 20 Section 61010) of Part 1, the Isla Vista Community Services
 21 District may be established in accordance with this part. All other
 22 provisions of this division shall apply to the Isla Vista Community
 23 Services District upon its establishment, except as provided in this
 24 part.

25 ~~(2) Except as provided in this part, the Cortese-Knox-Hertzberg~~
 26 ~~Local Government Reorganization Act of 2000 (Division 3~~
 27 ~~(commencing with Section 56000) of Title 5) shall govern any~~
 28 ~~change of organization or reorganization of the district following~~
 29 ~~the establishment of the district.~~

30 (b) (1) On or before January 5, 2016, the Board of Supervisors
 31 of the County of Santa Barbara shall file a resolution of application
 32 with the Santa Barbara County Local Agency Formation
 33 Commission, pursuant to subdivision (a) of Section 56654, to
 34 initiate a comprehensive review and recommendation of the
 35 formation of the district by the Santa Barbara County Local Agency
 36 Formation Commission. The board of supervisors shall pay any
 37 fees associated with the resolution of application.

38 (2) The Santa Barbara County Local Agency Formation
 39 Commission shall complete the review no later than ~~120~~ 150 days
 40 following receipt of the completed resolution of application.

1 Notwithstanding any other law, the Santa Barbara County Local
2 Agency Formation Commission shall not have the power to
3 disapprove the resolution of application.

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

7 (c) (1) The Santa Barbara County Local Agency Formation
8 Commission shall order the formation of the district subject to a
9 vote of the registered voters residing within the boundaries of the
10 district, as those boundaries are set forth in subdivision (e), at an
11 election following the completion of the review pursuant to
12 subdivision (b). If a majority of voters within the boundaries of
13 the district, as specified in subdivision (d), vote in favor of the
14 district, the district shall be formed in accordance with this part.

15 (2) (A) The Santa Barbara Local Agency Formation
16 Commission shall determine the appropriate rate of taxation for a
17 utility user tax, applicable utilities to be taxed, and which services
18 the district will be initially authorized to provide, pursuant to
19 subdivision (d) and paragraph (5) of subdivision ~~(h)~~ (g). The rate
20 shall be no lower than 5 percent and no higher than 8 percent of
21 the total cost of an individual's service charge for the utility being
22 taxed.

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

25 ~~(C) The board of directors of the district shall, within six months~~
26 ~~of the passage of a utility user tax, develop a low-income~~
27 ~~exemption to provide tax exemptions to those who would be~~
28 ~~disproportionately burdened by the utility user tax.~~

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

33 (4) The Santa Barbara Local Agency Formation Commission
34 shall direct the Santa Barbara County Board of Supervisors to
35 direct county officials to conduct the necessary elections on behalf
36 of the proposed district and place the items on the ballot including
37 district approval, candidates for the district's board, and the utility
38 user tax pursuant to subparagraph (A) of paragraph (2) at the next
39 countywide election, as provided in subdivision (f) of Section
40 61014.

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

4 (A) Finance the operations of municipal advisory councils
5 formed pursuant to Section 31010.

6 (B) Create a tenant mediation program.

7 (C) Finance the operations of area planning commissions formed
8 pursuant to Section 65101.

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

13 (E) 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~~ *to supplement* the level of police
16 protection services already provided by either the County of Santa
17 Barbara or the Regents of the University of California within the
18 area of the district.

19 (F) 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 (G) Acquire, construct, improve, and maintain sidewalks,
24 lighting, gutters, and trees—~~above~~ *to supplement* the level of service
25 already provided by either the County of Santa Barbara or County
26 Service Area 31. The district shall not acquire, construct, improve,
27 or maintain any work owned by another public agency unless that
28 other public agency gives its written consent.

29 (H) Abate graffiti.

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

32 (e) (1) Notwithstanding Chapter 1 (commencing with Section
33 61020), Chapter 2 (commencing with Section 61025), and Chapter
34 3 (commencing with Section 61040) of Part 2, the board of
35 directors of the district shall be composed as follows:

36 (A) ~~(i)~~ Five members elected at large from within the district
37 as follows:

38 ~~(i)~~

39 (i) Four members shall be elected for terms of four years. For
40 the first election of the board of directors of the district, two

1 members shall be elected for a term of two years and two members
2 shall be elected for a term of four years.

3 ~~(H)~~

4 (ii) One member shall be elected for a term of two years.

5 (B) One member appointed by the Board of Supervisors of the
6 County of Santa Barbara for a term of two years for the first
7 appointment following the creation of the district, and for a term
8 of four years thereafter.

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

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

14 (B) The qualification of candidates for the initial board of
15 directors shall be conducted pursuant to the Uniform District
16 Election Law (Part 4 (commencing with Section 10500) of the
17 Elections Code).

18 (f) The boundaries of the district shall be contiguous with the
19 area known as County Service Area No. 31 within the County of
20 Santa ~~Barbara~~. *Barbara and shall exclude any property owned by*
21 *the Regents of the University of California within those boundaries.*

22 ~~(g) The district shall have all the powers listed in Section 61100~~
23 ~~except those powers specified in subdivision (e) and (f) the that~~
24 ~~section.~~

25 ~~(h) In addition to the powers in subdivision (g), the~~

26 (g) *The* district may, within its boundaries, do any of the
27 following:

28 (1) Create a tenant mediation program.

29 (2) Exercise the powers of a parking district, in the same manner
30 as a parking district formed pursuant to the Parking District Law
31 of 1951 (Part 4 (commencing with Section 35100) of Division 18
32 of the Streets and Highways Code).

33 (3) Contract with the County of Santa Barbara or the Regents
34 of the University of California, or both, for additional police
35 protection services ~~above~~ *to supplement* the level of police
36 protection services already provided by either the County of Santa
37 Barbara or the Regents of the University of California within the
38 area of the district.

39 (4) Acquire, construct, improve, and maintain sidewalks,
40 lighting, gutters, and trees ~~beyond~~ *to supplement* the level of service

1 provided by either the County of Santa Barbara or County Service
 2 Area 31. The district shall not acquire, construct, improve, or
 3 maintain any work owned by another public agency unless that
 4 other public agency gives its written consent.

5 (5) Levy a utility user tax proposed by resolution of the board
 6 of directors of the district and pursuant to approval by a two-thirds
 7 vote in accordance with Section 2 of Article XIII C of the California
 8 Constitution on the utilities of gas, water, electricity, sewer, or
 9 garbage disposal services. A utility user tax imposed by the district
 10 shall not apply to any utility provided by a telecommunications
 11 service provider.

12 (6) *Contract with the County of Santa Barbara, the Santa*
 13 *Barbara County Department of Planning and Development’s Code*
 14 *Enforcement Program, or both, to provide Code Enforcement*
 15 *services to supplement the level of service provided by either the*
 16 *County of Santa Barbara or the Santa Barbara County Department*
 17 *of Planning and Development’s Code Enforcement Program, or*
 18 *both. This includes, but is not limited to, contracting for dedicated*
 19 *Zoning Enforcement services pursuant to Chapter 35 of the Santa*
 20 *Barbara County Code, or contracting for dedicated Building*
 21 *Enforcement services pursuant to Chapters 10 and 14 of the Santa*
 22 *Barbara County Code. These contracted services may be proactive*
 23 *or reactive in their enforcement, as specified by the individual*
 24 *contract.*

25 (h) *Following the creation of the district, the district may*
 26 *petition the Santa Barbara Local Agency Formation Commission*
 27 *pursuant to the Cortese-Knox-Hertzberg Local Government*
 28 *Reorganization Act of 2000 (Division 3 (commencing with Section*
 29 *56000) of Title 5) to exercise new or different functions or classes*
 30 *of services listed in Section 61100, except those powers specified*
 31 *in subdivisions (e) and (f) of that section, in addition to those*
 32 *functions or services that were authorized at the time the district*
 33 *was created.*

34 (i) *The services provided by the district shall not supplant the*
 35 *level of services provided by the County of Santa Barbara, the Isla*
 36 *Vista Recreation and Park District, the University of California,*
 37 *Santa Barbara, or any other service provider.*

38 (i)

39 (j) The district does not possess, and shall not exercise, the
 40 power of eminent domain.

1 Ⓣ
 2 (k) As used in this part, the term “district” means the Isla Vista
 3 Community Services District formed pursuant to this part.

4 (l) *The Cortese-Knox-Hertzberg Local Government*
 5 *Reorganization Act of 2000 (Division 3 (commencing with Section*
 6 *56000) of Title 5) shall not apply to the formation of the district*
 7 *pursuant to subdivisions (b) and (c), to the selection of functions*
 8 *or services that may be provided pursuant to subdivision (d), or*
 9 *to the selection of functions or services to be provided pursuant*
 10 *to subdivision (g) upon establishment of the district, except as*
 11 *specified in this part. The act shall apply to any other change of*
 12 *organization or reorganization as defined in that act, following*
 13 *the establishment of the district, including, but not limited to, the*
 14 *exercise of new or different functions or classes of services*
 15 *authorized pursuant to subdivision (g) or (h) that were not selected*
 16 *upon establishment of the district.*

17 SEC. 3. The Legislature finds and declares that a special law
 18 is necessary and that a general law cannot be made applicable
 19 within the meaning of Section 16 of Article IV of the California
 20 Constitution because of the unique community needs in the Isla
 21 Vista area that would be served by the Isla Vista Community
 22 Services District.

23 SEC. 4. If the Commission on State Mandates determines that
 24 this act contains costs mandated by the state, reimbursement to
 25 local agencies and school districts for those costs shall be made
 26 pursuant to Part 7 (commencing with Section 17500) of Division
 27 4 of Title 2 of the Government Code.

O