

Assembly Bill No. 3

CHAPTER 548

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

[Approved by Governor October 7, 2015. Filed with
Secretary of State October 7, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3, 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.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The Isla Vista community encompasses a population of approximately 15,000 residents situated within approximately a half square mile of land in Santa Barbara County. It is adjacent to the University of California, Santa Barbara (UCSB) campus and its student population, of which approximately 8,000 students reside in university owned housing. Including university property, the area totals about 1,200 acres. Isla Vista represents one of the largest urban communities in California not governed as a city.

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

(c) As an unincorporated area, various county agencies provide services to the residents and businesses of Isla Vista. Since these agencies must provide services throughout the whole county, Isla Vista must compete for attention and funding for the services they need. Isla Vista is represented at the county level by one of five supervisors and is situated in the largest and most diverse geographic supervisorial district in the county.

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

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

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

(g) Additionally, following these events, many trustees on the UC Santa Barbara Foundation Board expressed a strong desire to support the chancellor and the university in efforts to create change in Isla Vista, to ensure a safer and more enhanced community for students. The UC Santa Barbara Foundation Trustees' Advisory Committee on Isla Vista Strategies was

formed to analyze the conditions and dynamics of Isla Vista and develop mid- and long-term recommendations to establish a viable, safe, and supportive environment. Among their recommendations is that the State of California create a Community Services District/Municipal Improvement District in Isla Vista with potential powers of infrastructure, utilities, garbage, police services, parks, recreation, cultural facilities, fire, security, and roads.

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

PART 4. ISLA VISTA COMMUNITY SERVICES DISTRICT

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

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

(2) The Santa Barbara County Local Agency Formation Commission shall complete the review no later than 150 days following receipt of the completed resolution of application. Notwithstanding any other law, the Santa Barbara County Local Agency Formation Commission shall not have the power to disapprove the resolution of application.

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

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

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

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

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

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

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

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

(B) Create a tenant mediation program.

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

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

(E) Contract with the County of Santa Barbara or the Regents of the University of California, or both, for additional police protection services to supplement the level of police protection services already provided by either the County of Santa Barbara or the Regents of the University of California within the area of the district.

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

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

(H) Abate graffiti.

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

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

(A) Five members elected at large from within the district as follows:

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

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

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

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

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

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

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

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

(1) Create a tenant mediation program.

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

(3) Contract with the County of Santa Barbara or the Regents of the University of California, or both, for additional police protection services to supplement the level of police protection services already provided by either the County of Santa Barbara or the Regents of the University of California within the area of the district.

(4) Acquire, construct, improve, and maintain sidewalks, lighting, gutters, and trees to supplement the level of service provided by either the County of Santa Barbara or County Service Area 31. The district shall not acquire, construct, improve, or maintain any work owned by another public agency unless that other public agency gives its written consent.

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

(6) Contract with the County of Santa Barbara, the Santa Barbara County Department of Planning and Development's Code Enforcement Program, or both, to provide Code Enforcement services to supplement the level of service provided by either the County of Santa Barbara or the Santa Barbara County Department of Planning and Development's Code Enforcement Program, or both. This includes, but is not limited to, contracting for dedicated Zoning Enforcement services pursuant to Chapter 35 of the Santa Barbara County Code, or contracting for dedicated Building Enforcement services pursuant to Chapters 10 and 14 of the Santa Barbara County Code.

These contracted services may be proactive or reactive in their enforcement, as specified by the individual contract.

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

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

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

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

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

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

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