

AMENDED IN ASSEMBLY MARCH 14, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 722

Introduced by Assembly Member Limón

February 15, 2017

An act to amend Section 61250 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 722, as amended, Limón. Isla Vista Community Services District: board of directors.

Existing law authorizes the establishment of the Isla Vista Community Services District, as provided, for the performance of various services. Existing law specifies the composition of the board of directors of the district, that includes 5 members elected at large from within the district, one member appointed by the Board of Supervisors of the County of Santa Barbara, and one member appointed by the Chancellor of the University of California, Santa Barbara.

Existing law prohibits a public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, from simultaneously holding two public offices that are incompatible, as specified.

This bill would provide that service on the board of directors of the district by a member of the Board of Supervisors of the County of Santa Barbara *or by any public officer of the County of Santa Barbara or his or her deputy* shall not be considered an incompatible office.

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

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

1 SECTION 1. Section 61250 of the Government Code is
2 amended to read:

3 61250. (a) Notwithstanding Chapter 2 (commencing with
4 Section 61010) of Part 1, the Isla Vista Community Services
5 District may be established in accordance with this part. All other
6 provisions of this division shall apply to the Isla Vista Community
7 Services District upon its establishment, except as provided in this
8 part.

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

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

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

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

34 (2) (A) The Santa Barbara Local Agency Formation
35 Commission shall determine the appropriate rate of taxation for a
36 utility user tax, applicable utilities to be taxed, and which services
37 the district will be initially authorized to provide, pursuant to
38 subdivision (d) and paragraph (5) of subdivision (g). The rate shall

1 be no lower than 5 percent and no higher than 8 percent of the total
2 cost of an individual's service charge for the utility being taxed.

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

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

9 (4) The Santa Barbara Local Agency Formation Commission
10 shall direct the Santa Barbara County Board of Supervisors to
11 direct county officials to conduct the necessary elections on behalf
12 of the proposed district and place the items on the ballot including
13 district approval, candidates for the district's board, and the utility
14 user tax pursuant to subparagraph (A) of paragraph (2) at the next
15 countywide election, as provided in subdivision (f) of Section
16 61014.

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

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

22 (B) Create a tenant mediation program.

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

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

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

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

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

1 already provided by either the County of Santa Barbara or County
2 Service Area *No.* 31. The district shall not acquire, construct,
3 improve, or maintain any work owned by another public agency
4 unless that other public agency gives its written consent.

5 (H) Abate graffiti.

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

8 (e) (1) Notwithstanding Chapter 1 (commencing with Section
9 61020), Chapter 2 (commencing with Section 61025), and Chapter
10 3 (commencing with Section 61040) of Part 2, the board of
11 directors of the district shall be composed as follows:

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

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

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

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

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

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

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

32 (3) Notwithstanding any other law, service on the board of
33 directors of the district by a member of the Board of Supervisors
34 of the County of Santa Barbara *or by any public officer of the*
35 *County of Santa Barbara or his or her deputy* shall not be
36 considered an incompatible office.

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

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

3 (1) Create a tenant mediation program.

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

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

14 (4) Acquire, construct, improve, and maintain sidewalks,
15 lighting, gutters, and trees to supplement the level of service
16 provided by either the County of Santa Barbara or County Service
17 Area No. 31. The district shall not acquire, construct, improve, or
18 maintain any work owned by another public agency unless that
19 other public agency gives its written consent.

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

27 (6) Contract with the County of Santa Barbara, the Santa Barbara
28 County Department of Planning and Development's Code
29 Enforcement Program, or both, to provide Code Enforcement
30 services to supplement the level of service provided by either the
31 County of Santa Barbara or the Santa Barbara County Department
32 of Planning and Development's Code Enforcement Program, or
33 both. This includes, but is not limited to, contracting for dedicated
34 Zoning Enforcement services pursuant to Chapter 35 of the Santa
35 Barbara County Code, or contracting for dedicated Building
36 Enforcement services pursuant to Chapters 10 and 14 of the Santa
37 Barbara County Code. These contracted services may be proactive
38 or reactive in their enforcement, as specified by the individual
39 contract.

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

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

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

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

18 (l) The Cortese-Knox-Hertzberg Local Government
19 Reorganization Act of 2000 (Division 3 (commencing with Section
20 56000) of Title 5) shall not apply to the formation of the district
21 pursuant to subdivisions (b) and (c), to the selection of functions
22 or services that may be provided pursuant to subdivision (d), or to
23 the selection of functions or services to be provided pursuant to
24 subdivision (g) upon establishment of the district, except as
25 specified in this part. The act shall apply to any other change of
26 organization or reorganization as defined in that act, following the
27 establishment of the district, including, but not limited to, the
28 exercise of new or different functions or classes of services
29 authorized pursuant to subdivision (g) or (h) that were not selected
30 upon establishment of the district.

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