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AB-722 Isla Vista Community Services District: board of directors. (2017-2018)

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Assembly Bill No. 722

CHAPTER 409

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

[Approved by Governor October 02, 2017. Filed with Secretary of State October 02, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 722, 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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 No. 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).

(3) (A) Notwithstanding any other law, 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.

(B) The Legislature finds and declares that members of the Board of Supervisors of the County of Santa Barbara or public officers of the County of Santa Barbara or their deputies can offer expertise and assistance in county operations to the board of directors of the district. Therefore, the Legislature finds and declares that service on the board of directors of the district is compatible with service as a member of the Board of Supervisors of the County of Santa Barbara or as another public officer, or his or her deputy, of the County of Santa Barbara.

(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 No. 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 XIII C 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.