

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 amend Section 61105 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 establish the Isla Vista Community Services 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.

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. The Legislature finds and declares all of the
2 following:
- 3 (a) The Isla Vista community encompasses a population of over
4 20,000 residents situated within an area comprising of less than
5 one 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. Including university property, the area totals
8 about 1,500 acres. Isla Vista represents one of the largest urban
9 communities in California not governed as a city.
- 10 (b) Isla Vista faces various challenges in local governance. As
11 a university town, Isla Vista must accommodate the service needs
12 associated with its transient student population and a predominantly
13 renter-oriented community. Isla Vista's situation is complicated
14 by its unincorporated status, which limits its local participation in
15 managing public services and providing needed public
16 improvements.
- 17 (c) As an unincorporated area, various county agencies provide
18 services to the residents and businesses of Isla Vista. Since these
19 agencies must provide services throughout the whole county, Isla
20 Vista must compete for attention and funding for the services they
21 need. Isla Vista is represented at the county level by one of five
22 supervisors and is situated in the largest and most diverse
23 geographic district in the county. The Isla Vista Recreation and
24 Park District is the only local district providing limited services
25 exclusively to Isla Vista.
- 26 (d) There have been multiple attempts at achieving cityhood
27 for Isla Vista, however, insufficient tax revenue prevents cityhood
28 from being a viable solution. In 2003, the Santa Barbara County
29 Grand Jury found that establishing a community services district
30 would be the best governance option to expand and improve
31 services to Isla Vista.
- 32 (e) Over the last year, the Isla Vista community has been faced
33 with many challenges due to tragic events, including multiple
34 deaths from students falling off cliffs, two violent sexual assaults,
35 a riot, a mass murder, and homicides that have brought focus to

1 the unique needs of Isla Vista that can only be addressed by direct,
2 local governance. Following these events, a local coalition was
3 formed to determine the best direction for Isla Vista
4 self-governance and the community services district has garnered
5 much local support.

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

19 SEC. 2. Section 61105 of the Government Code is amended
20 to read:

21 61105. (a) The Legislature finds and declares that the unique
22 circumstances that exist in certain communities justify the
23 enactment of special statutes for specific districts. In enacting this
24 section, the Legislature intends to provide specific districts with
25 special statutory powers to provide special services and facilities
26 that are not available to other districts.

27 (b) (1) The Los Osos Community Services District may borrow
28 money from public or private lenders and lend those funds to
29 property owners within the district to pay for the costs of
30 decommissioning septic systems and constructing lateral
31 connections on private property to facilitate the connection of those
32 properties to the district's wastewater treatment system. The district
33 shall lend money for this purpose at rates not to exceed its cost of
34 borrowing and the district's cost of making the loans. The district
35 may require that the borrower pay the district's reasonable
36 attorney's fees and administrative costs in the event that the district
37 is required to take legal action to enforce the provisions of the
38 contract or note securing the loan. The district may elect to have
39 the debt payments or any delinquency collected on the tax roll
40 pursuant to Section 61116. To secure the loan as a lien on real

1 property, the district shall follow the procedures for the creation
2 of special tax liens in Section 53328.3 of this code and Section
3 3114.5 of the Streets and Highways Code.

4 (2) (A) (i) Except as otherwise provided in this paragraph, on
5 and after January 1, 2007, the Los Osos Community Services
6 District shall not undertake any efforts to design, construct, and
7 operate a community wastewater collection and treatment system
8 within, or for the benefit of, the district. The district shall resume
9 those powers on the date specified in any resolution adopted
10 pursuant to subdivision (I) of Section 25825.5.

11 (ii) Upon resuming the powers pursuant to subdivision (i), the
12 Los Osos Community Services District may continue the program
13 to offset assessments or charges for very low or low-income
14 households with funding sources, including, but not limited to,
15 grants, adopted pursuant to subdivision (g) of Section 25825.5. If
16 the county has not implemented that program, the Los Osos
17 Community Services District may adopt a program that complies
18 with subdivision (g) of Section 25825.5 to offset assessments or
19 charges for very low or low-income households. The Los Osos
20 Community Services District shall not include in an assessment
21 or charge an amount to cover the costs to the county in carrying
22 out the offset program.

23 (B) Nothing in this paragraph shall affect the district's power
24 to do any of the following:

25 (i) Operate wastewater collection and treatment facilities within
26 the district that the district was operating on January 1, 2006.

27 (ii) Provide facilities and services in the territory that is within
28 the district, but outside the prohibition zone.

29 (iii) Provide facilities and services, other than wastewater
30 collection and treatment, within the prohibition zone.

31 (C) Promptly upon the adoption of a resolution by the Board of
32 Supervisors of the County of San Luis Obispo requesting this
33 action pursuant to subdivision (i) of Section 25825.5, the district
34 shall convey to the County of San Luis Obispo all retained
35 rights-of-way, licenses, other interests in real property, funds, and
36 other personal property previously acquired by the district in
37 connection with construction projects for which the district awarded
38 contracts in 2005.

39 (c) The Heritage Ranch Community Services District may
40 acquire, construct, improve, maintain, and operate petroleum

1 storage tanks and related facilities for its own use, and sell those
2 petroleum products to the district's property owners, residents,
3 and visitors. The authority granted by this subdivision shall expire
4 when a private person or entity is ready, willing, and able to
5 acquire, construct, improve, maintain, and operate petroleum
6 storage tanks and related facilities, and sell those petroleum
7 products to the district and its property owners, residents, and
8 visitors. At that time, the district shall either (1) diligently transfer
9 its title, ownership, maintenance, control, and operation of those
10 petroleum tanks and related facilities at a fair market value to that
11 private person or entity, or (2) lease the operation of those
12 petroleum tanks and related facilities at a fair market value to that
13 private person or entity.

14 (d) The Wallace Community Services District may acquire,
15 own, maintain, control, or operate the underground gas distribution
16 pipeline system located and to be located within Wallace Lake
17 Estates for the purpose of allowing a privately owned provider of
18 liquefied petroleum gas to use the underground gas distribution
19 system pursuant to a mutual agreement between the private
20 provider and the district or the district's predecessor in interest.
21 The district shall require and receive payment from the private
22 provider for the use of that system. The authority granted by this
23 subdivision shall expire when the Pacific Gas and Electric
24 Company is ready, willing, and able to provide natural gas service
25 to the residents of Wallace Lake Estates. At that time, the district
26 shall diligently transfer its title, ownership, maintenance, control,
27 and operation of the system to the Pacific Gas and Electric
28 Company.

29 (e) The Cameron Park Community Services District, the El
30 Dorado Hills Community Services District, the Golden Hills
31 Community Services District, the Mountain House Community
32 Services District, the Rancho Murieta Community Services District,
33 the Salton Community Services District, the Stallion Springs
34 Community Services District, and the Tenaja Meadows Community
35 Services District, which enforced covenants, conditions, and
36 restrictions prior to January 1, 2006, pursuant to former Section
37 61601.7 and former Section 61601.10, may continue to exercise
38 the powers set forth in former Section 61601.7 and former Section
39 61601.10.

(f) (1) The Bel Marin Keys Community Services District may enforce all or part of the covenants, conditions, and restrictions for a tract, and assume the duties of the architectural control committee, to the extent that a tract's covenants, conditions, and restrictions authorize an architectural control committee. Before the district can enforce covenants, conditions, and restrictions, and assume the duties of an architectural control committee, for a tract, the board of directors shall:

(A) Receive a written request from the board of directors of the tract's property owners' association or homeowners' association, with a petition signed by not less than a majority of the property owners of the parcels within the tracts covered by those associations, requesting the district to enforce the covenants, conditions, and restrictions for that tract and assume the duties of the architectural control committee for that tract, if an architectural control committee is called for in the covenants, conditions, and restrictions.

(B) Conduct a public hearing on the question, after giving mailed notice to each affected property owner of the date, time, and location of the meeting.

(C) Submit an application to the local agency formation commission pursuant to Section 56824.10, specifying the exact nature and scope of the intended services to be provided by the district.

(D) Receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3 of Title 5, which may include completion terms deemed appropriate by the commission, to enforce covenants, conditions, and restrictions for a tract, and to assume the duties of the architectural control committee for that tract.

(E) Adopt an ordinance assuming the power to enforce covenants, conditions, and restrictions for a tract, and to assume the duties of the architectural control committee for that tract, provided that the ordinance requires:

(i) The property owners within the tract to finance the enforcement of the covenants, conditions, and restrictions, and the duties of the architectural control committee.

(ii) The tract's property owners' association or homeowners' association to indemnify the district for the costs of any litigation,

1 settlements, injuries, damages, or judgments arising from
2 enforcement of the covenants, conditions, and restrictions, and the
3 district's duties as the architectural control committee.

4 (2) The Bel Marin Keys Community Services District may, by
5 ordinance, divest itself of the power undertaken under this
6 subdivision.

7 (g) The Bear Valley Community Services District, the Bell
8 Canyon Community Services District, the Cameron Estates
9 Community Services District, the Lake Sherwood Community
10 Services District, the Saddle Creek Community Services District,
11 the Wallace Community Services District, and the Santa Rita Hills
12 Community Services District may, for roads owned by the district
13 and that are not formally dedicated to or kept open for use by the
14 public for the purpose of vehicular travel, by ordinance, limit access
15 to and the use of those roads to the landowners and residents of
16 that district.

17 (h) Notwithstanding any other provision of law, the transfer of
18 the assets of the Stonehouse Mutual Water Company, including
19 its lands, easements, rights, and obligations to act as sole agent of
20 the stockholders in exercising the riparian rights of the
21 stockholders, and rights relating to the ownership, operation, and
22 maintenance of those facilities serving the customers of the
23 company, to the Hidden Valley Lake Community Services District
24 is not a transfer subject to taxes imposed by Part 11 (commencing
25 with Section 23001) of Division 2 of the Revenue and Taxation
26 Code.

27 (i) The El Dorado Hills Community Services District and the
28 Rancho Murieta Community Services District may each acquire,
29 construct, improve, maintain, and operate television receiving,
30 translating, or distribution facilities, provide television and
31 television-related services to the district and its residents, or
32 authorize the construction and operation of a cable television
33 system to serve the district and its residents by franchise or license.
34 In authorizing the construction and operation of a cable television
35 system by franchise or license, the district shall have the same
36 powers as a city or county under Section 53066.

37 (j) The Mountain House Community Services District may
38 provide facilities for television and telecommunications systems,
39 including the installation of wires, cables, conduits, fiber optic
40 lines, terminal panels, service space, and appurtenances required

1 to provide television, telecommunication, and data transfer services
2 to the district and its residents, and provide facilities for a cable
3 television system, including the installation of wires, cables,
4 conduits, and appurtenances to service the district and its residents
5 by franchise or license, except that the district may not provide or
6 install any facilities pursuant to this subdivision unless one or more
7 cable franchises or licenses have been awarded under Section
8 53066 and the franchised or licensed cable television and
9 telecommunications services providers are permitted equal access
10 to the utility trenches, conduits, service spaces, easements, utility
11 poles, and rights-of-way in the district necessary to construct their
12 facilities concurrently with the construction of the district's
13 facilities. The district shall not have the authority to operate
14 television, cable, or telecommunications systems, except as
15 provided in Section 61100. The district shall have the same powers
16 as a city or county under Section 53066 in granting a franchise or
17 license for the operation of a cable television system.

18 (k) (1) Notwithstanding Chapter 2 (commencing with Section
19 61010) of Part 1, the Isla Vista Community Services District shall
20 be established in accordance with all other provisions of this
21 division, except as provided in this subdivision.

22 (2) *Notwithstanding Chapter 1 (commencing with Section*
23 *61020), Chapter 2 (commencing with Section 61025), and Chapter*
24 *3 (commencing with Section 61040) of Part 2, the board of the*
25 *directors of the Isla Vista Community Services District shall be*
26 *composed as follows:*

27 (A) *Five members elected at large from within the district for*
28 *a term of four years.*

29 (B) *One member appointed by the Board of Supervisors of the*
30 *County of Santa Barbara for a term of four years.*

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

33 (3) *The boundaries of the district shall be contiguous with the*
34 *area known as County Service Area No. 31 within the County of*
35 *Santa Barbara and shall additionally include the University of*
36 *California, Santa Barbara.*

37 ~~(2)~~

38 (4) Section 61100 shall not apply to the Isla Vista Community
39 Services District. The district may, within its boundaries, do any
40 of the following:

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

3 (B) Create a tenant mediation program.

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

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

10 (E) Contract with the County of Santa Barbara or the Regents
11 of the University of California, or both, for additional police
12 protection services above the level of police protection services
13 already provided by either the County of Santa Barbara or the
14 Regents of the University of California within the area of the
15 district.

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

20 (G) Acquire, construct, improve, and maintain sidewalks,
21 lighting, gutters, and trees. The district shall not acquire, construct,
22 improve, or maintain any work owned by another public agency
23 unless that other public agency gives its written consent.

24 ~~(G)~~

25 (H) Abate graffiti.

26 (I) *Levy a utility user tax at a rate specified by the governing*
27 *board of the district.*

28 ~~(3)~~

29 (5) The Isla Vista Community Services District shall not have
30 the power to organize, promote, conduct, or advertise programs
31 of community recreation in the same manner as the Isla Vista Parks
32 and Recreation District.

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