

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.

Existing

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 express the intent of the Legislature to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District within the unincorporated area of Santa Barbara County, and would make legislative findings and declarations relating to that intent.~~

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.

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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. ~~(a)~~—The Legislature finds and declares all of the
2 following:

3 ~~(1)~~

4 (a) The Isla Vista community encompasses a population of over
5 20,000 residents situated within an area comprising of less than
6 one square mile of land in Santa Barbara County. It is adjacent to
7 the University of California, Santa Barbara (UCSB) campus and
8 its student population. Including university property, the area totals
9 about 1,500 acres. Isla Vista represents one of the largest urban
10 communities in California not governed as a city.

11 ~~(2)~~

12 (b) Isla Vista faces various challenges in local governance. As
13 a university town, Isla Vista must accommodate the service needs
14 associated with its transient student population and a predominantly
15 renter-oriented community. Isla Vista's situation is complicated
16 by its unincorporated status, which limits its local participation in
17 managing public services and providing needed public
18 ~~improvements, such as increased lighting, sidewalk and street~~
19 ~~improvements, and housing code enforcement.~~ *improvements.*

20 ~~(3)~~

21 (c) As an unincorporated area, various county agencies provide
22 services to the residents and businesses of Isla Vista. Since these
23 agencies must provide services throughout the whole county, Isla
24 Vista must compete for attention and funding for the services they
25 need. Isla Vista is represented at the county level by one of five
26 supervisors and is situated in the largest and most diverse
27 geographic district in the county. The Isla Vista Recreation and
28 Park District is the only local district providing limited services
29 exclusively to Isla Vista.

30 ~~(4)~~

31 (d) There have been multiple attempts at achieving cityhood
32 for Isla Vista, however, insufficient tax revenue prevents cityhood

1 from being a viable solution. In 2003, the Santa Barbara County
 2 Grand Jury found that establishing a community services district
 3 would be the best governance option to expand and improve
 4 services to Isla Vista.

5 ~~(5)~~

6 (e) Over the last year, the Isla Vista community has been faced
 7 with many challenges due to tragic events, including *multiple*
 8 *deaths from students falling off cliffs*, two violent sexual assaults,
 9 a riot, ~~and a mass-shooting murder, and homicides that has have~~
 10 brought focus to the unique needs of Isla Vista that can only be
 11 addressed by direct, local governance. Following these events, a
 12 local coalition was formed to determine the best direction for Isla
 13 Vista self-governance and the community services district has
 14 garnered much local support.

15 ~~(6)~~

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

29 ~~(b) It is the intent of the Legislature to enact legislation that will~~
 30 ~~clarify and establish the necessary authority for the creation of the~~
 31 ~~Isla Vista Community Services District within the unincorporated~~
 32 ~~area of Santa Barbara County.~~

33 *SEC. 2. Section 61105 of the Government Code is amended to*
 34 *read:*

35 61105. (a) The Legislature finds and declares that the unique
 36 circumstances that exist in certain communities justify the
 37 enactment of special statutes for specific districts. In enacting this
 38 section, the Legislature intends to provide specific districts with
 39 special statutory powers to provide special services and facilities
 40 that are not available to other districts.

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1 (b) (1) The Los Osos Community Services District may borrow
2 money from public or private lenders and lend those funds to
3 property owners within the district to pay for the costs of
4 decommissioning septic systems and constructing lateral
5 connections on private property to facilitate the connection of those
6 properties to the district's wastewater treatment system. The district
7 shall lend money for this purpose at rates not to exceed its cost of
8 borrowing and the district's cost of making the loans. The district
9 may require that the borrower pay the district's reasonable
10 attorney's fees and administrative costs in the event that the district
11 is required to take legal action to enforce the provisions of the
12 contract or note securing the loan. The district may elect to have
13 the debt payments or any delinquency collected on the tax roll
14 pursuant to Section 61116. To secure the loan as a lien on real
15 property, the district shall follow the procedures for the creation
16 of special tax liens in Section 53328.3 of this code and Section
17 3114.5 of the Streets and Highways Code.

18 (2) (A) (i) Except as otherwise provided in this paragraph, on
19 and after January 1, 2007, the Los Osos Community Services
20 District shall not undertake any efforts to design, construct, and
21 operate a community wastewater collection and treatment system
22 within, or for the benefit of, the district. The district shall resume
23 those powers on the date specified in any resolution adopted
24 pursuant to subdivision (l) of Section 25825.5.

25 (ii) Upon resuming the powers pursuant to subdivision (i), the
26 Los Osos Community Services District may continue the program
27 to offset assessments or charges for very low or low-income
28 households with funding sources, including, but not limited to,
29 grants, adopted pursuant to subdivision (g) of Section 25825.5. If
30 the county has not implemented that program, the Los Osos
31 Community Services District may adopt a program that complies
32 with subdivision (g) of Section 25825.5 to offset assessments or
33 charges for very low or low-income households. The Los Osos
34 Community Services District shall not include in an assessment
35 or charge an amount to cover the costs to the county in carrying
36 out the offset program.

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

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

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

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

5 (C) Promptly upon the adoption of a resolution by the Board of
6 Supervisors of the County of San Luis Obispo requesting this
7 action pursuant to subdivision (i) of Section 25825.5, the district
8 shall convey to the County of San Luis Obispo all retained
9 rights-of-way, licenses, other interests in real property, funds, and
10 other personal property previously acquired by the district in
11 connection with construction projects for which the district awarded
12 contracts in 2005.

13 (c) The Heritage Ranch Community Services District may
14 acquire, construct, improve, maintain, and operate petroleum
15 storage tanks and related facilities for its own use, and sell those
16 petroleum products to the district's property owners, residents,
17 and visitors. The authority granted by this subdivision shall expire
18 when a private person or entity is ready, willing, and able to
19 acquire, construct, improve, maintain, and operate petroleum
20 storage tanks and related facilities, and sell those petroleum
21 products to the district and its property owners, residents, and
22 visitors. At that time, the district shall either (1) diligently transfer
23 its title, ownership, maintenance, control, and operation of those
24 petroleum tanks and related facilities at a fair market value to that
25 private person or entity, or (2) lease the operation of those
26 petroleum tanks and related facilities at a fair market value to that
27 private person or entity.

28 (d) The Wallace Community Services District may acquire,
29 own, maintain, control, or operate the underground gas distribution
30 pipeline system located and to be located within Wallace Lake
31 Estates for the purpose of allowing a privately owned provider of
32 liquefied petroleum gas to use the underground gas distribution
33 system pursuant to a mutual agreement between the private
34 provider and the district or the district's predecessor in interest.
35 The district shall require and receive payment from the private
36 provider for the use of that system. The authority granted by this
37 subdivision shall expire when the Pacific Gas and Electric
38 Company is ready, willing, and able to provide natural gas service
39 to the residents of Wallace Lake Estates. At that time, the district
40 shall diligently transfer its title, ownership, maintenance, control,

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1 and operation of the system to the Pacific Gas and Electric
2 Company.

3 (e) The Cameron Park Community Services District, the El
4 Dorado Hills Community Services District, the Golden Hills
5 Community Services District, the Mountain House Community
6 Services District, the Rancho Murieta Community Services District,
7 the Salton Community Services District, the Stallion Springs
8 Community Services District, and the Tenaja Meadows Community
9 Services District, which enforced covenants, conditions, and
10 restrictions prior to January 1, 2006, pursuant to former Section
11 61601.7 and former Section 61601.10, may continue to exercise
12 the powers set forth in former Section 61601.7 and former Section
13 61601.10.

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

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

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

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

38 (D) Receive the approval of the local agency formation
39 commission, pursuant to Article 1.5 (commencing with Section
40 56824.10) of Chapter 5 of Part 3 of Division 3 of Title 5, which

1 may include completion terms deemed appropriate by the
2 commission, to enforce covenants, conditions, and restrictions for
3 a tract, and to assume the duties of the architectural control
4 committee for that tract.

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

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

12 (ii) The tract's property owners' association or homeowners'
13 association to indemnify the district for the costs of any litigation,
14 settlements, injuries, damages, or judgments arising from
15 enforcement of the covenants, conditions, and restrictions, and the
16 district's duties as the architectural control committee.

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

20 (g) The Bear Valley Community Services District, the Bell
21 Canyon Community Services District, the Cameron Estates
22 Community Services District, the Lake Sherwood Community
23 Services District, the Saddle Creek Community Services District,
24 the Wallace Community Services District, and the Santa Rita Hills
25 Community Services District may, for roads owned by the district
26 and that are not formally dedicated to or kept open for use by the
27 public for the purpose of vehicular travel, by ordinance, limit access
28 to and the use of those roads to the landowners and residents of
29 that district.

30 (h) Notwithstanding any other provision of law, the transfer of
31 the assets of the Stonehouse Mutual Water Company, including
32 its lands, easements, rights, and obligations to act as sole agent of
33 the stockholders in exercising the riparian rights of the
34 stockholders, and rights relating to the ownership, operation, and
35 maintenance of those facilities serving the customers of the
36 company, to the Hidden Valley Lake Community Services District
37 is not a transfer subject to taxes imposed by Part 11 (commencing
38 with Section 23001) of Division 2 of the Revenue and Taxation
39 Code.

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1 (i) The El Dorado Hills Community Services District and the
2 Rancho Murieta Community Services District may each acquire,
3 construct, improve, maintain, and operate television receiving,
4 translating, or distribution facilities, provide television and
5 television-related services to the district and its residents, or
6 authorize the construction and operation of a cable television
7 system to serve the district and its residents by franchise or license.
8 In authorizing the construction and operation of a cable television
9 system by franchise or license, the district shall have the same
10 powers as a city or county under Section 53066.

11 (j) The Mountain House Community Services District may
12 provide facilities for television and telecommunications systems,
13 including the installation of wires, cables, conduits, fiber optic
14 lines, terminal panels, service space, and appurtenances required
15 to provide television, telecommunication, and data transfer services
16 to the district and its residents, and provide facilities for a cable
17 television system, including the installation of wires, cables,
18 conduits, and appurtenances to service the district and its residents
19 by franchise or license, except that the district may not provide or
20 install any facilities pursuant to this subdivision unless one or more
21 cable franchises or licenses have been awarded under Section
22 53066 and the franchised or licensed cable television and
23 telecommunications services providers are permitted equal access
24 to the utility trenches, conduits, service spaces, easements, utility
25 poles, and rights-of-way in the district necessary to construct their
26 facilities concurrently with the construction of the district's
27 facilities. The district shall not have the authority to operate
28 television, cable, or telecommunications systems, except as
29 provided in Section 61100. The district shall have the same powers
30 as a city or county under Section 53066 in granting a franchise or
31 license for the operation of a cable television system.

32 (k) (1) *Notwithstanding Chapter 2 (commencing with Section*
33 *61010) of Part 1, the Isla Vista Community Services District shall*
34 *be established in accordance with all other provisions of this*
35 *division, except as provided in this subdivision.*

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

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

1 (B) Create a tenant mediation program.

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

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

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

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

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

22 (G) Abate graffiti.

23 (3) The Isla Vista Community Services District shall not have
24 the power to organize, promote, conduct, or advertise programs
25 of community recreation in the same manner as the Isla Vista
26 Parks and Recreation District.

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