

Date of Hearing: May 3, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 722 (Limón) – As Amended March 14, 2017

SUBJECT: Isla Vista Community Services District: board of directors.

SUMMARY: Authorizes a member of the Santa Barbara County Board of Supervisors or any public officer of the County or their deputies to serve on the Isla Vista Community Services District (IVCSD) Board of Directors (Board). Specifically, **this bill:**

- 1) Prohibits service on the Board by a member of the Santa Barbara County Board of Supervisors or by any public officer of the County from being considered an incompatible office.
- 2) Makes a technical change.

EXISTING LAW:

- 1) Establishes the formation process, boundaries, services, and governance structure for IVCSD.
- 2) Requires the seven-member Board for IVCSD to be composed, as follows:
 - a) Five members elected at large from within the District, as follows:
 - i) Four members to be elected for terms of four years and for the first election of the Board, two members to be elected for a term of two years and two members to be elected for a term of four years; and,
 - ii) One member to be elected for a term of two years.
 - b) One member appointed by the Board of Supervisors for a term of four-years for the first appointment following the creation of IVCSD, and four year terms thereafter.
 - c) One member appointed by the Chancellor of the University of California, Santa Barbara (UCSB) for a term of four years.
- 3) Prohibits a limit on the number of terms any individual may serve on the Board, whether a director is appointed or elected.
- 4) Provides, pursuant to the Uniform District Election Law, that the qualifications of a candidate for elective office, and of an elective officer, of a district shall be determined by the principal act of that district.
- 5) Requires the qualification of candidates for the initial Board to be conducted, pursuant to the Uniform District Election Law.

- 6) 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.
- 7) Specifies that a public office is incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:
 - a) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisor powers over the other office or body;
 - b) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices; or,
 - c) Public policy considerations make it improper for one person to hold both offices.
- 8) Prohibits members of the Legislature, state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

FISCAL EFFECT: None

COMMENTS:

- 1) **IVCSD.** Isla Vista is an unincorporated community located in Santa Barbara County that encompasses over 20,000 residents within its boundaries of a half square mile. The community is near the University of California, Santa Barbara (UCSB) campus, and has many student residents living within its boundaries in university-owned housing.

In response to concerns about public safety, inadequate infrastructure, insufficient land use planning, and poorly maintained housing stock, there have been numerous efforts to secure more representation and services by establishing different local governance structures, including cityhood and the formation of a special district. AB 3 (Williams), Chapter 548, Statutes of 2015, authorized the establishment of IVCSD, as well as its boundaries, the services it can provide, and its governance structure. Under AB 3, IVCSD is authorized to provide services, such as tenant mediation, police protection, and code enforcement, as well as exercise the powers of a parking district, construct and maintain specified public works and community facilities, and levy a utility user tax (UUT).

The IVCSD Board is comprised of seven members: five members elected at large from within the district, one member appointed by the Board of Supervisors, and one member appointed by the Chancellor of UCSB. There is no limit on the number of terms that a member of the Board may serve.

- 2) **Bill Summary.** This bill authorizes a member of the Board of Supervisors, any county public officer or their deputies to serve on the Board of IVCSD by specifying that the two offices, a county public office and the Board of IVCSD, are not incompatible. This bill is author-sponsored.

- 3) **Author’s Statement.** According to the author, “AB 722 is a district bill that furthers the intent of the voters to allow the County Supervisor, public officer, or deputy to serve on the Board. This will ensure the county is actively engaged in prioritizing the Isla Vista community. Isla Vista is one of the most densely-populated communities in the country. It has also been designated in the census as a “high poverty tract,” and faces unique challenges around public safety, parking, homelessness, and infrastructure. Overwhelming support for the IVCSD grew out of need to effectively address these issues and is the foundation for prioritizing safety, representation, and empowerment through self-governance. To ensure the success of the IVCSD, it is critical that Isla Vista residents have a direct line of contact to voice their concerns. AB 722 will ensure a strong partnership between the County of Santa Barbara and Isla Vista for years to come.”
- 4) **IVCSD Formation and Funding.** In 2016, the formation of IVCSD was approved by over 87% of the voters. Current law, pursuant to AB 3 (Williams), requires that voters within IVCSD approve a UUT on or before January 1, 2023; if it is not approved by that date, IVCSD will be dissolved.

A UUT is a tax on the total charge for utility services within a jurisdiction, such as gas, water, electricity, sewer, and garbage disposal services. In 2016, a UUT for IVCSD was placed on the ballot. According to the Isla Vista Governance Options Financial Analysis Study, an independent fiscal analysis authored by Economic Planning Systems and Berkson Associates, the proposed UUT would have generated \$512,000 annually. However, while the formation of the IVCSD was approved, the UUT measure failed on the same ballot. The UUT measure fell short of the necessary two-thirds vote by about 5%.

While the IVCSD Board convened for the first time in March 2017, the issue of consistent funding for the district still remains. UCSB pledged in 2015 that they would give \$200,000 annually to IVCSD for seven years beginning in 2017. However, regardless of the university’s pledge, if a UUT is not approved by the voters by January 1, 2023, IVCSD will still be dissolved.

- 5) **Arguments in Support.** Supervisor Das Williams, Santa Barbara County, writes, “AB 722 is amending a section of the Government Code created by a bill I authored while I was in the Assembly, AB 3 (2015). AB 722 is necessary to add a provision we intended to include in the original version of the bill that would allow a County Supervisor or other high level County official to serve as the County’s appointee on the board of the Isla Vista Community Services District. [...] During our community process, the community expressed two goals in having appointees from each of these bodies on the IVCSD: 1) the appointees would create stability on the board of a community with a high turnover of college residents; and 2) it would require a consistent presence of both the County and University, regardless of leadership change, to dialogue with the community. In order to achieve these goals, the County needs to be able to appoint a County Supervisor or another high level County official, such as a department director, who can speak and vote in their role as a County official. In writing the original bill, we intended to allow a high level County official to serve on the Board and only discovered that was not possible when we began the process to appoint the Supervisor who represents Isla Vista to the board. Luckily, there was a recently retired County

official who was willing to step in but we can't bet on that kind of luck in the future. The long term stability of the Isla Vista Community Services District depends on the passage of this bill and I ask for your support.”

6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Board President Ethan Bertrand, Isla Vista Community Services District
Supervisor Joan Hartmann, County of Santa Barbara
Supervisor Das Williams, County of Santa Barbara

Opposition

None on file

Analysis Prepared by: Kim Kollwitz / L. GOV. / (916) 319-3958