BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name:	County Executive Office
Department No.:	012
For Agenda Of:	January 24, 2017
Placement:	Departmental
Estimated Time:	45 minutes
Continued Item:	No
If Yes, date from:	
Vote Required:	Majority

TO: Board of Supervisors

FROM: Department Director(s)   Mona Miyasato, County Executive Officer, 805-568-3400

Contact Info: Dennis Bozanich, Deputy County Executive Officer, 805-568-3400

SUBJECT: **Isla Vista Community Services District (IV CSD) Next Steps**

County Counsel Concurrence	Auditor-Controller Concurrence
As to form: Yes	As to form: N/A

Other Concurrence: N/A

Recommended Actions:

That the Board of Supervisors:

a. Receive and file this report, and

b. Find that the proposed actions are an administrative activity of the County, which will not result in direct or indirect physical changes to the environment and is therefore not a "project" as defined for the purposes of the California Environmental Quality Act (CEQA) under state CEQA Guidelines Section 15378(b)(5).

Summary Text:

This item provides the Board with an update on the next steps as a result of the successful passage of Measure E by voters on November 8, 2016. Most actions required to implement Measure E are the responsibility of the newly elected IV CSD Board of Directors. One member is appointed by the County Board of Supervisors.

Background:

Following the adoption of Assembly Bill (AB) 3 by the state legislature and signature by Governor Brown on October 7, 2015, the Board of Supervisors took action on July 12, 2016 to place a measure on the

November 2016 ballot allowing voters to consider formation of a Community Services District in Isla Vista (later, Measure E) and a separate ballot measure allowing voters to establish a Utility Users Tax (UUT) to fund services provided by the District (later, Measure F).

Measures E and F were on the November 8, 2016 General Election Ballot in Santa Barbara County. Measure E to form the Isla Vista Community Services District (IV CSD) was approved by a majority of voters. Measure F regarding a proposed 8% Utility Users Tax (UUT) on gas, water, electricity, sewage and garbage disposal bills was not approved by 2/3's of the voters and will not go into effect. According to the LAFCO resolution, the official formation date of IV CSD will be March 1, 2017. Five district residents were elected to initial two and four year terms to establish a staggered pattern of elections in future election cycles. The District may create a tenant mediation program, exercise the powers of a parking district, contract for additional police protection, acquire, improve and maintain supplemental sidewalk and lighting, levy a utility user tax following approval by voters and contract with the County to provide supplemental code enforcement.

Establishment of IV CSD is authorized under Government Code section 61250. According to the code section, the Santa Barbara County Board of Supervisors is authorized to appoint one individual to the IV CSD Board of Directors to an initial two year term and for four year terms thereafter. The University of California Santa Barbara also has authority to appoint one individual to the Board of Directors.

Government Code Section 24001 states that a person is not eligible to a county or district office, unless he or she is a registered voter of the county or district in which the duties of the office are to be exercised at the time that nomination papers are issued to the person or at the time of the appointment of the person. That section also says that the Board of Supervisors may, if it finds that the best interests of the county or district will be served, waive the requirements of Government Code Section 24001 for an appointed county or district office. It is not clear whether Government Code Section 24001 applies to this appointment; however, if the Board wishes to appoint someone who is not a registered voter of the district, staff recommends that your board comply with the finding and waiver provisions of that section.

Though the anticipation of the vacancy exists now, the vacancy isn't actually created until the official formation date of the district, March 1, 2017. Generally, a board or commission vacancy is posted approximately 20-days prior to a vacancy occurring and an appointment by the Board of Supervisors would be considered after the vacancy has been posted for approximately 10-days. It is also worth noting that other sections of Government Code (e.g. 61000-61070) cover the internal operations of CSDs. GC 61043(a) states that the Board of Directors shall meet within 45 days of the official formation date and elect its officers. This would require an initial meeting no later than April 14, 2017. The County Executive Office plans on returning to the Board for possible appointments on February 28, 2017.

Government Code 61250 also contemplates that IV CSD formation could be approved by voters and the UUT tax might not, as happened at the November 8, 2016 election. In such case, district formation and operations could begin, but IV CSD would cease to exist on January 1, 2023 if voters fail to approve a UUT as described in statute.

Performance Measure: NA

Contract Renewals and Performance Outcomes: NA

Fiscal and Facilities Impacts:

Budgeted: NA

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund			
State			
Federal			
Fees			
Other:			
Total	$ -	$ -	$ -

Narrative: No significant fiscal or facility impacts are anticipated to result from the Board receiving this report or providing direction to staff to carry out the legally authorized appointment of a member of the Isla Vista Community Services District Board of Directors.

Key_Contract_Risks: NA

Staffing Impacts: NA

Legal Positions: **FTEs:**

Special Instructions: NA

Attachments: NA

Authored by: Dennis Bozanich, Deputy County Executive Officer, 805-568-3400