



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

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

Department Name: County Executive Office
Department No.: 012
For Agenda Of: February 28, 2017
Placement: Departmental
Estimated Time: 15 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: **Board of Supervisors' Appointment to the Isla Vista Community Services District Board of Directors**

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

As to form:

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

Consider recommendations regarding Isla Vista Community Services District (IV CSD) Board of Directors appointment, as follows:

- a) Make the finding that this appointment will serve the best interests of Santa Barbara County and the Isla Vista Community Services District, waive the requirements of Government Code section 24001 and appoint one Director to the Board of the IV CSD from the list of qualified candidates below to a two-year initial term beginning March 1, 2017:
 - i. Robert Geis, or
 - ii. Any other qualified candidate that submits an application on or before February 24, 2017, or that presents themselves at the hearing on February 28, 2017; and
- b) Determine that the appointment of the Director to the Board of Directors of the IV CSD does not constitute a project subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), as the actions are organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Summary Text:

On January 24, 2017, the Board received a staff presentation and received public comment on the next steps following voter approval of the formation of the Isla Vista Community Services District (IV CSD). As noted that day, the Board of Supervisors is authorized to appoint one person to the IV CSD Board of Directors to an initial two-year term. After the initial term for the Board appointed Director, the term of office for the appointee will be four years. The Board of Supervisors appointment may be made of a registered voter residing within the district or a registered voter residing outside of the district with findings.

Staff conducted a recruitment effort that began on February 10, 2017 through social media and publication of display advertisements in local newspapers. Applications were received through end of the day on February 24, 2017. Clerk of the Board received one application. The Board has the option to appoint an applicant or another qualified candidate that presents them self at the Board hearing on February 28, 2017 which includes finding that the best interests of the county or district will be served and waive the requirements of Government Code Section 24001 for an appointed county or district office.

Background:

Formation of the Isla Vista Community Services District

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 User 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% 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.

Authorization of Board of Supervisors to Appoint District Director

Establishment of IV CSD is authorized under Government Code section 61250. According to the code section, the Board of Directors includes 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 creation of the district, and for a term of four years thereafter. One member is to be appointed by the Chancellor of the University of California, Santa Barbara, for a term of four years.

AB 3 itself does not state a requirement that the member appointed by the Board of Supervisors be a resident of the district. 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.

Staff posted a notice of vacancy for the IV CSD Board of Directors on February 10, 2017 and an appointment by the Board of Supervisors is being considered after the notice has been posted for at least 10 days.

Functions of the Isla Vista Community Services District

When LAFCO ordered formation of IV CSD subject to voter approval, LAFCO specified that IV CSD may within its boundaries have powers and responsibilities as follows: finance the operations of municipal advisory councils formed pursuant to Government Code Section 31010; create a tenant mediation program; finance the operations of area planning commissions formed pursuant to Section 65101; 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); contract with the County of Santa Barbara or the Regents of the University of California, or both, for additional police protection services already provided by either the County or the Regents within the area of the district; acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities; 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 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;) abate graffiti; and levy a utility user tax following approval by voters.

It is also worth noting that other sections of Government Code (e.g. 61000-61070) cover the internal operations of CSDs. Government Code Section 61043(a) states that the Board of Directors shall meet within 45 days after the effective date of the formation of the district and elect its officers. This would require an initial meeting no later than April 15, 2017.

Government Code 61250 also contemplates that IV CSD formation could be approved by voters and the UUT 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:

Fiscal and Facilities Impacts:

Budgeted: NA

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
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 appointment of a member of the Isla Vista Community Services District Board of Directors.

Key Contract Risks:

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Attachments:

A – Robert Geis Application

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

cc: