

LAFCO

Santa Barbara Local Agency Formation Commission

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February 5, 2015 (Agenda)

Assembly Member Das Williams
California State Assembly
State Capitol, Room 4005
Sacramento, CA 95814

RE: Assembly Bill 3 – Letter of Concern

Dear Assembly Member Williams:

The Santa Barbara Local Agency Formation Commission (SBLAFCO) has strong concerns over your bill AB 3, which declares 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 related to that intent.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) provides that the Local Agency Formation Commission (LAFCO) has jurisdiction over a Community Services District (CSD) and that the organization or reorganization of such a district be subject to LAFCO proceedings. This means that, in the case of the formation of a new CSD to serve Isla Vista, the proceedings to initiate the formation of this district would go through the normal LAFCO review process, once the LAFCO receives the proper petition or resolution initiating that district formation. This process allows for the comprehensive review of the viability of the proposed district and services to be provided.

Santa Barbara LAFCO supports the positions expressed by CALAFCO Executive Director Pamela Miller in her December 20, 2014, “Letter of Concern.” It appears that in its current form, AB 3 intends to bypass the LAFCO District formation process, which is of great concern to CALAFCO as well as Santa Barbara LAFCO. In addition, Santa Barbara LAFCO has a number of more specific concerns that are set forth below:

1. AB 3 sets forth the legislative intent “to clarify and establish the necessary authority for the creation of the Isla Vista Community Services District (CSD)”. This intent appears to bypass the LAFCO formation process

2. Based on the above, there would be no LAFCO application to begin the formation process, i.e. petition signed by 25% of the registered voters or resolution of affected agency. This limits public input into the formation process.
3. AB 3 was introduced on December 1, 2014, without public outreach on the bill which began on January 6, 2015, with a series of community stakeholder and town hall meetings. Should public outreach have taken place before the bill was introduced?
4. The bill does not list which services and powers are envisioned for the CSD? Usually new CSD's fold in existing districts. Are new services envisioned? The bill states "performance of various services, included, but not limited to, public parks, police protection, and transportation facilities." Does this mean replacing IV Rec and Park District, County Sheriff, and the County Transit District? What other services are envisioned? Which agencies, if any, to be dissolved or detached? For instance, IV Rec and Parks, CSA 31, Goleta West Sanitary, Goleta Water, County Fire District, SB Metropolitan Transit District, SB Vector Control District, others?
5. How are services and powers going to be financed? Property taxes from dissolving or detaching special district, a Special Tax (requires a 2/3 vote of registered voters), Assessment District (Protest vote of property owners), Utility Users Tax (2/3 vote of registered voters), Federal and State Grants, loans, subventions. Would AB 3 include a provision to amend the law to allow a Utility Users Tax to be imposed only within the IVCS D rather than countywide?
6. What is UCSB's involvement – Financing, Services, UCSB Police, University of California Regents funding, etc.
7. Santa Barbara City College (SBCC). Many SBCC students reside in Isla Vista. No housing for its students is provided by SBCC. Does SBCC have any responsibility for funding infrastructure or services in Isla Vista?
8. Santa Barbara County responsibility? SB County is currently providing many services in Isla Vista including County Sheriff, Fire, Roads, street lighting, sidewalks, etc. Would any of these services be assumed by the new IVCS D?
9. What will be the makeup of the board of directors? Elected, appointed, landowners? The California CSD Law (Government Code Section 61000 et.seq.) establishes Community Services Districts as registered voter districts. This means that the Board of Directors are resident voters within a CSD. Appointing or electing landowners to a board of directors is not possible in the CSD Law.
10. Comprehensive Fiscal Analysis? An application for the formation of a CSD would require a financial feasibility study or comprehensive fiscal analysis. Such a study is not mentioned in AB 3.
11. Would the IVCS D be tasked with planning issues? Would an Area Planning Commission or Municipal Advisory Commission be formed? Pursuant to Government Code Section 65000, local land use planning is reserved for cities and counties. Would

AB 3 add planning authority to the IVCSD? Would this create a precedent for other special districts in the State?

12. If the IVCSD is formed with LAFCO approval, would SBLAFCO have the authority over an IVCSD after it is formed? Pursuant to the Cortese-Knox Hertzberg Act of 2000, Government Code Section 56000 et.seq. LAFCO has authority over every other special district in the State of California. For instance, LAFCO has authority over municipal service reviews/spheres of influence, activation of latent powers, out-of agency service agreements, changes of organization such as annexations, detachments, etc.

Thank you for taking Santa Barbara LAFCO's concerns into consideration. We look forward to working with you and your staff on amendments to AB 3 that create logical and workable solutions for all.

Sincerely,

**DOREEN FARR, CHAIR
SANTA BARBARA LAFCO**