

LAFCO

Santa Barbara Local Agency Formation Commission

105 East Anapamu Street ♦ Santa Barbara CA 93101

805/568-3391 ♦ FAX 805/568-2249

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January 5, 2017 (Agenda)

Local Agency Formation Commission

105 East Anapamu Street

Santa Barbara CA 93101

Approval of a Certificate of Completion Confirming the November 8, 2016, Election Results in Favor of LAFCO File 15-07: Formation of the Isla Vista Community Services District.

Dear Members of the Commission

RECOMMENDATION

It is recommended that the Commission Approve the Certificate of Completion Confirming the November 8, 2016, Election Results in Favor of LAFCO File 15-07: Formation of the Isla Vista Community Services District (**Exhibit A**).

DISCUSSION

On April 7, 2016, the Commission, among other things, approved the formation of the Isla Vista Community Services District and Set the Utility User Tax Rate, both subject to voter approval. The Formation required a majority vote whereas the Utility User Tax required a two-thirds vote. The election on both measures was conducted on November 8, 2016.

Although the Cortese-Knox Hertzberg Act allows the Executive Officer to prepare and record the Certificate of Completion for most changes of organization, for changes that are approved at an election, Government Code Section 57176 reads in pertinent part as follows:

“The commission shall execute, within 30 days of the canvass of the election, a certificate of completion confirming the order of the change of organization or reorganization if a majority of votes cast upon the question are in favor of the change of organization or reorganization in any of the following circumstances: (a) At an election called in the territory ordered to be organized or reorganized”.

Commissioners: Craig Geyer, Chair ♦ Roger Aceves ♦ Doreen Farr ♦ Jeff Moorhouse ♦ Bob Orach ♦ Janet Wolf
Judith Ishkanian ♦ Steve Lavagnino ♦ Jim Richardson ♦ Shane Stark ♦ Roger Welt ♦ **Executive Officer:** Paul Hood

BUSINESS ITEM NO. 1

Local Agency Formation Commission
January 5, 2017 (Agenda)
Page two

The results of the November 8, 2016 Election were Canvassed and Certified by the County Clerk on November 6, 2016 (**Exhibit B**). Measure E2016, Formation of the Isla Vista Community Services District was approved 87.14% in favor and 12.86 in opposition. However, F2016, Isla Vista Community Services District-Utility User Tax did not receive the necessary two-thirds vote and was denied with 61.22% voting in favor and 38.78% in opposition.

Therefore, following approval of the Certificate of Completion, the Vista Community Services District is formed, but if the Utility Users Tax is not approved on or before January 1, 2023, the district will be dissolved (Government Code Section 61250 (C)(3)).

Exhibits:

Exhibit A Certificate of Completion
Exhibit B Canvass of the November 8, 2016 Election Results

Please contact the LAFCO office if you have any questions.

Sincerely,



PAUL HOOD
Executive Officer

Recording Requested By:

LAFCO

Santa Barbara Local Agency Formation Commission

Return via interoffice mail to:

LAFCO

105 East Anapamu Street Rm. 407

Santa Barbara CA 93101

805-568-3391 FAX 805-568-2249

No Fee Per Government Code § 6103

CERTIFICATE OF COMPLETION

Pursuant to Government Code section 57176, the Santa Barbara Local Agency Formation Commission hereby determines that the County Clerk/Registrar Joseph E. Holland certified the results of the election for the formation of the Isla Vista Community Services District and found a majority of votes cast upon the question of formation were in favor of the change of organization. (See Attachment A.) The Commission finds that no other conditions imposed by the Commission on the formation of the District are required to be satisfied prior to formation. Therefore, the Commission has a duty to execute a certificate of completion within 30 days of the Elections Division completion of the canvas of votes.

The Commission hereby certifies that this certificate of completion, including the determination that the attached documents, is complete and in accordance with the boundaries, modifications and conditions specified by the Commission in its Resolutions No. 16-10 and 16-11 approving this action.

1. The short-form designation of the proceeding is:

LAFCO 15-07 – Formation of the Isla Vista Community Services District (“District”).

2. The entire affected agency is located in Santa Barbara County and pursuant to Government Code section 6250(f), the boundaries shall be contiguous with the area known as County Service Area No. 31 within the County of Santa Barbara and shall exclude any property owned by the Regents of the University of California within those boundaries.

3. The Commission’s Resolutions of Approval 16-10 and 16-11 adopted on April 7, 2016 are made a part of this certificate by reference and set forth the description of the boundaries of the proposal and the terms and conditions of approval, as authorized and mandated by Government Code section 61250 and the Cortez Knox Hertzberg Act, Government Code section 56000 et seq. Those conditions are as follows:

- A. The Commission ordered the formation of the District subject to a majority vote of the registered voters residing within the boundaries of the proposed District. This condition has been met as on December 6, 2016, County Clerk/Registrar Joseph E. Holland certified the results of the formation election and determined the measure was approved by a majority of the registered voters residing within the boundaries of the proposed District.
- B. The district' shall have a sphere of influence that is coterminous with its existing boundaries.
- C. Pursuant to Government Code section 61250(e), the District board of directors shall be composed as follows:
 - I. Five members elected at large from within the district as follows:
 - a) Four members shall be elected for terms of four years. For the first election of the board of directors of the district, two members shall be elected for a term of two years and two members shall be elected for a term of four years.
 - b) One member shall be elected for a term of two years.
 - II. 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 the creation of the district, and for a term of four years thereafter.
 - III. One member appointed by the Chancellor of the University of California, Santa Barbara for a term of four years.
- D. As authorized by Government Code section 61250(g)(5), Commission Resolution 16-11 set the appropriate rate of taxation for a utility user tax at 8 percent of the total cost of an individual's service charge for the utility being taxed and shall only be applied to electricity, garbage disposal, gas, sewage, or water services. The District shall levy a utility user tax proposed by resolution of the board of directors of the district and pursuant to approval by a two-thirds vote in accordance with Section 2 of Article XIII C of the California Constitution on the utilities of gas, water, electricity, sewer, or garbage disposal services. A utility user tax imposed by the district shall not apply to any utility provided by a telecommunications service provider.
- E. An provisional appropriations limit shall be approved as part of the formation of Six Hundred and Forty Thousand Dollars (\$640,000) for the fiscal year 2017-2018. The permanent appropriations limit of the District shall be set at the first district election that is held following the first full fiscal year of operation and shall not be considered to be a change in the appropriations limit of the district pursuant to Section 4 of Article XIII B of the California Constitution.
- F. If the voters approve the levy of the utility user tax, the Commission will schedule a municipal service review for the District to be heard in one year after voter approval of the utility user tax. At that hearing, the District shall report to the Commission what powers are being exercised by the District and which powers are not being exercised. Any powers not exercised by the District as determined by the Commission shall become latent powers.
- G. If the voters of the district do not vote to impose a utility user tax within the district on or before January 1, 2023, regardless of whether the establishment of the district is approved by the voters of the district, the district shall be dissolved as of that date.

H. Pursuant to Government Code section 61250(d)(1), the Commission determined the District shall within its boundaries have powers and responsibilities as follows:

- I. Finance the operations of municipal advisory councils formed pursuant to Government Code section 31010.
- II. Create a tenant mediation program.
- III. Finance the operations of area planning commissions formed pursuant to Government Code section 65101.
- IV. 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).
- V. Contract with the County of Santa Barbara or the Regents of the University of California, or both, for additional police protection services to supplement the level of police protection services already provided by either the County of Santa Barbara or the Regents of the University of California within the area of the district.
- VI. Acquire, construct, improve, maintain, and operate community facilities, including, but not limited to, community centers, libraries, theaters, museums, cultural facilities, and child care facilities.
- VII. 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.
- VIII. Abate graffiti.
- IX. Contract with the County of Santa Barbara, the Santa Barbara County Department of Planning and Development's Code Enforcement Program, or both, to provide Code Enforcement services to supplement the level of service provided by either the County of Santa Barbara or the Santa Barbara County Department of Planning and Development's Code Enforcement Program, or both. This includes, but is not limited to, contracting for dedicated Zoning Enforcement services pursuant to Chapter 35 of the Santa Barbara County Code, or contracting for dedicated Building Enforcement services pursuant to Chapters 10 and 14 of the Santa Barbara County Code. These contracted services may be proactive or reactive in their enforcement, as specified by the individual contract.

I. Pursuant to Resolution 16-10, the effective date of formation shall be March 1, 2017.

This Certificate of Completion is hereby approved by the Commission on January 5, 2017, in Santa Barbara, California, and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
Santa Barbara Local Agency
Formation Commission

ATTEST

Jacquelyne Alexander, Clerk
Santa Barbara Local Agency Formation Commission

**CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE NOVEMBER 8, 2016, GENERAL ELECTION**

STATE OF CALIFORNIA

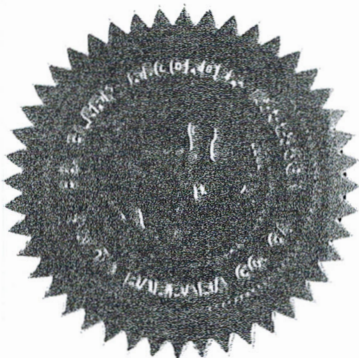
COUNTY OF SANTA BARBARA

} ss.

I, Joseph E. Holland, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 8, 2016, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast to which this certificate is attached, is full, true and correct.

I hereby set my hand and official seal this 6th day of December 2016

at the County of Santa Barbara.



Joseph E. Holland
Registrar of Voters

County of Santa Barbara
State of California

Attachment A

EXHIBIT B

Santa Barbara County
 Presidential General Election
 November 8, 2016
 Certified Results

Date:12/06/16
 Time:12:18:06
 Page:14 of 15

Registered Voters 222983 - Cards Cast 182264 81.74%

Num. Report Precinct 259 - Num. Reporting 259 100.00%

MEASURE C2016 CITY OF GOLETA - ELECT MAYOR				
	Polling	VBM	Total	
Number of Precincts	18	0	18	
Precincts Reporting	18	0	18	100.0 %
Vote For	1	1	1	
Total Votes	4140	8837	12977	
YES	2911	6026	8937	68.87%
NO	1229	2811	4040	31.13%

MEASURE C2016 CITY OF GOLETA - 2 YEAR TERM				
	Polling	VBM	Total	
Number of Precincts	18	0	18	
Precincts Reporting	18	0	18	100.0 %
Vote For	1	1	1	
Total Votes	3979	8350	12329	
YES	2437	4907	7344	59.57%
NO	1542	3443	4985	40.43%

MEASURE C2016 CITY OF GOLETA - 4 YEAR TERM				
	Polling	VBM	Total	
Number of Precincts	18	0	18	
Precincts Reporting	18	0	18	100.0 %
Vote For	1	1	1	
Total Votes	3942	8335	12277	
NO	2442	5185	7627	62.12%
YES	1500	3150	4650	37.88%

MEASURE E2016 FORMATION OF ISLA VISTA COMMUNITY SERVICES DISTRICT				
	Polling	VBM	Total	
Number of Precincts	10	0	10	
Precincts Reporting	10	0	10	100.0 %
Vote For	1	1	1	
Total Votes	4889	1596	6485	
YES	4309	1342	5651	87.14%
NO	580	254	834	12.86%

ISLA VISTA CSD - 2 YEAR INITIAL TERM				
	Polling	VBM	Total	
Number of Precincts	10	0	10	
Precincts Reporting	10	0	10	100.0 %
Vote For	2	2	2	
Total Votes	6049	2093	8142	
NATALIE JORDAN	2999	907	3906	47.97%
JON HEDGES	1222	553	1775	21.80%
ANDREW G. PRAGIN	1343	426	1769	21.73%
MICHAEL KILE	441	191	632	7.76%
Write-in Votes	44	16	60	0.74%

Santa Barbara County
 Presidential General Election
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 Page: 15 of 15

Registered Voters 222983 - Cards Cast 182264 81.74%

Num. Report Precinct 259 - Num. Reporting 259 100.00%

ISLA VISTA CSD - 4 YEAR TERM

	Polling	VBM	Total	
Number of Precincts	10	0	10	
Precincts Reporting	10	0	10	100.0 %
Vote For	2	2	2	
Total Votes	5079	1802	6881	
JAY FREEMAN	2602	943	3545	51.52%
SPENCER BRANDT	2435	840	3275	47.59%
Write-in Votes	42	19	61	0.89%

ISLA VISTA CSD - 2 YEAR TERM

	Polling	VBM	Total	
Number of Precincts	10	0	10	
Precincts Reporting	10	0	10	100.0 %
Vote For	1	1	1	
Total Votes	3831	1322	5153	
ETHAN BERTRAND	2416	932	3348	64.97%
JOEL RUIZ	1392	379	1771	34.37%
Write-in Votes	23	11	34	0.66%

MEASURE F2016 ISLA VISTA COMMUNITY SERVICES DISTRICT - UTILITY

	Polling	VBM	Total	
USER TAX				
Number of Precincts	10	0	10	
Precincts Reporting	10	0	10	100.0 %
Vote For	1	1	1	
Total Votes	4945	1653	6598	
YES	3082	957	4039	61.22%
NO	1863	696	2559	38.78%