

Ordinance No. 980618.001

**ORDINANCE OF THE ISLA VISTA RECREATION & PARK DISTRICT
SUBMITTING THE PARK PROTECTION INITIATIVE
ORDINANCE TO THE VOTERS**

**Be it Ordained by the Board of Directors of the Isla Vista Recreation & Park
District as follows:**

ARTICLE I. That the Ordinance No. 980618.003 be submitted to the voters of this district at the general election which is held in the Park District on November 3, 1998 for the purpose of submitting to its qualified electors the following proposition:

Measure A

**PARK PROTECTION INITIATIVE FOR THE
ISLA VISTA RECREATION AND PARK DISTRICT**

"Shall Ordinance No. 980618.003, the Park Protection Initiative of the Isla Vista Recreation & District, which would prohibit sale or transfer of park and recreation property of the district without approval of 2/3 of the voters, be adopted?"

The Ordinance reads as follows:

Ordinance No. 980618.003

**THE PARK PROTECTION INITIATIVE ORDINANCE
FOR ISLA VISTA RECREATION & PARK DISTRICT**

The People of the Isla Vista Recreation & Park District (called the 'Park District') do Ordain as follows:

Section 1. Real property, or any interest in real property, owned by the Park District may not be sold, leased, exchanged, mortgaged, pledged, encumbered, hypothecated under a deed of trust or otherwise, donated, given or transferred in trust or otherwise (collectively called a "Transfer" herein) except with the approval by an affirmative vote of at least two-thirds (2/3) of the members of the Board of Directors of the Park District and an affirmative vote at an election of at least two-thirds (2/3) of the voters of the Park District. Any purported Transfer not so approved shall be void and of no effect.

Section 2. The Board of Directors of the Park District may, without a vote of the voters (a) Transfer easements for public utility and transportation purposes needed to serve any Park District property, (b) Transfer real property, by lease, mortgage, deed of trust, pledge or otherwise as security

for payment of obligations of the Park District incurred for the purpose of providing recreation or park facilities, and (c) grant leases for three years or less, and concessions and permits, for recreation and park purposes.

Section 3. If the Park District (a) becomes a subsidiary district of a city, or (b) is dissolved or (c) is merged, reorganized or otherwise altered so that the Park District no longer functions as a separate independent special district, then a Transfer may be made only with approval by an affirmative vote at an election of at least two-thirds (2/3) of the voters in the territory that constitutes the Park District on November 3, 1998.

Section 4. This Ordinance may not be repealed, amended or altered except by an affirmative vote of (a) the voters at an election of at least the same number and with the same qualifications as is required for a Transfer, and (b) two-thirds (2/3) of the members of the Board of Directors if then in existence.

Section 5. If any provision of this Ordinance requiring a two-thirds (2/3) vote is, for any reason, held invalid, illegal or unenforceable, then a simple majority will be required. Further, if any section, paragraph, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, illegal or unenforceable, such holding shall not affect the validity of the remaining portions of this Ordinance. The Park District declares that it would have adopted this Ordinance and each and every other part hereof even though one or more sections, paragraphs, sentences, clauses, or phrases of this Ordinance may be held invalid, illegal or unenforceable.

Section 6. It is the purpose of this Ordinance to (a) impose a public trust, use or purpose for public parks and recreation on all real property owned by the Park District until said public trust, use or purpose is vacated, abandoned or terminated by the same vote as is required for a Transfer, both generally and particularly within the meaning of Section 57532 of the California Government Code relating to mergers of special districts.

Section 7. This Ordinance is enacted pursuant to the powers of initiative and referendum reserved to the people in Article IV, §1 of the California Constitution.

Section 8. This Ordinance shall take effect on November 3, 1998 if it is approved by a majority of the voters of the Park District at the election held on that date.

Section 9. As soon as practical after approval of this ordinance, the Park District will cause to be recorded in the office of the recorder of Santa Barbara County, California, a declaration of covenants, conditions and restrictions, describing all real property owned by the Park District and restricting transfer of said property in accordance with this Ordinance. All real property hereafter acquired by the Park District will be added to the declaration so that it is also subject to its

restrictions. The purpose of recording this declaration is to provide a uniform scheme of restrictions on all of said real property for the protection and benefit of the property, improvements and facilities of the Park District.

ARTICLE II. The Park District requests that the County of Santa Barbara conduct said election and charge the Park District its share of the actual costs of the election.

ARTICLE III. The election shall be conducted in accordance with law and the following procedures:

Section 1. The Park District shall cause a copy of Ordinance No. 980618.003 to be printed, and the County Clerk shall mail with the sample ballot to each voter the following notice printed in no less than 10-point type:

"If you desire a copy of the proposed ordinance, please call the district office at 968-2017 and a copy will be mailed to you at no cost."

Section 2. The Board of Directors or any member or members of the board authorized by the board, or an individual voter who is eligible to vote on the measure, or bonafide association of citizens, or any combination of such voters and associations may file a written argument for or against the measure. The argument shall not exceed 300 words in length. The County Clerk shall cause the arguments for and against the measure to be printed and shall cause a copy of both arguments to be enclosed with each sample ballot. The following statement shall be printed on the front cover or, if none, on the heading of the first page of the printed argument:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors"

Arguments for and against the measure must be submitted to the County Clerk (Elections Division) not earlier than July 20, 1998 and not later than 5:00 p.m. on July 30, 1998. The Secretary of the Park District will post, in at least three prominent places in the Park District where public notices are customarily posted, a notice inviting arguments for and against the measure. If more than one argument for or more than one argument against the measure is submitted to the County Clerk within the time allowed, the County Clerk shall select one of the arguments in favor and one or the arguments against the measure for printing and distribution to the voters. In selecting the argument, the County Clerk shall give preference and priority, in the order named, to the arguments of the following:

- (a) The Board or a member or members of the Board authorized by the Board.
- (b) Bonafide associations of citizens.
- (c) Individual voters who are eligible to vote on the measure.

When the County Clerk has selected the arguments for and against the measure, the County Clerk will send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments must be filed with the County Clerk (Elections Division) not earlier than July 31, 1998 and not later than 5:00 p.m. on August 10, 1998.

ARTICLE IV. The County Clerk will publish a notice of election as required by law.

The foregoing Ordinance was adopted at a regular meeting of the Board of Directors of the Isla Vista Recreation & Park District on June 18, 1998 by the following vote:

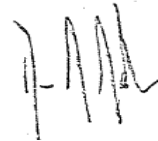
AYES: 4 CONN, FORTSON, KENNEDY, SOUTAR

NOES: 0

ABSTAIN: 0

ABSENT: 1 WOLKEN

Secretary

A handwritten signature in black ink, appearing to be 'J. M. M.' with a flourish at the end.

6/24/98