

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 2600 (Flora) – As Introduced February 15, 2018

SUBJECT: Regional park and open space districts.

SUMMARY: Establishes an alternative procedure for forming a regional park and open space district. Specifically, **this bill:**

- 1) Authorizes a proposal to form a new regional park and open space district to be made by the adoption of a resolution of application by the legislative body of any county or city that contains the territory proposed to be included in the district.
- 2) Requires the resolution of application to contain all of the following:
 - a) The methods by which the district will be financed, including, but not limited to, special taxes and fees;
 - b) The proposed name for the district and the reasons for forming it; and,
 - c) A description of the territory to be included.
- 3) Requires the legislative body, before adopting a resolution of application, to hold a public hearing on the resolution.
- 4) Requires notice of the hearing to be published in one or more newspapers of general circulation within the county or city.
- 5) Requires the legislative body to provide mailed notice of its hearing to the executive officer of the local agency formation commission (LAFCO) of the principal county at least 20 days before the hearing. The notice must generally describe the proposed formation of the district and the proposed territory of the district.
- 6) Requires the legislative body at the hearing to provide any person an opportunity to present his or her views on the resolution of application.
- 7) Requires the clerk of the legislative body to file a certified copy of the resolution of application with the executive officer of the LAFCO of the principal county.

FISCAL EFFECT: None

COMMENTS:

- 1) **Author's Statement.** According to the author, "The current process for proposing and approving the formation of a regional park or open space district is uneven and unnecessarily archaic across California. The restrictive initiation requirement of the gathering and presentation of 5,000 signatures is an antiquated feature of the open space district law of 1939, which has not been updated since its passage. This requirement increases the time and cost for proponents to initiate regional open space district formation proposals.

"Several counties have individually sought legislative solutions allowing for the authorization to form these spaces through the county board of supervisors adopting a resolution after a hearing as an alternative to the collection and presentation of 5,000 signatures. However, many counties are still forced to go through the cumbersome process before being able to proceed with the formation of these spaces.

"This commonsense update to the authorizations afforded to local legislative bodies would bring the formation of these districts and parks to the standard of what is currently afforded to those districts which have sought individual legislative fixes for this process. AB 2600 promotes continuity of the approval process across California for the formation of these valuable districts and parks. By providing a streamlined and less costly process, AB 2600 ensures that open space districts and parks are an efficient option for the needs of all California communities."

This bill is sponsored by the author.

- 2) **Background.** Existing law governs the formation, powers, governance, and financial tools provided to regional park and open space districts. As a special district, regional park and open space districts are subject to LAFCO jurisdiction and are subject to the proceedings contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Legislature has delegated the power to control local boundaries to the 58 LAFCOs, directing the LAFCOs to discourage urban sprawl, preserve open space and agricultural lands, provide efficient government services, and encourage orderly growth while considering local conditions and circumstances.

In order to form a regional park and open space district, current law generally requires LAFCO approval, a petition signed by at least 5,000 registered voters in the proposed district, approval by the county board of supervisors in a public meeting, and majority voter approval.

The powers granted to regional park and open space districts include acquiring and preserving regional greenbelts of open space land, and protecting and restoring the natural environments. The principal act establishes directly-elected boards for regional park and open space districts. However, the Legislature has granted the authority for districts to be governed by county supervisors and by a board appointed by county supervisors.

The Legislature has authorized eight counties [Marin (1972), Riverside (1989), San Bernardino (1990), Sonoma (1990), Los Angeles (1991), Napa (1992), Sacramento (1993), and San Diego (1993)] to expedite the formation of a new regional and open space district by exempting formation from both LAFCO approval and the circulation of petitions. The Legislature also authorized two counties [Santa Barbara (2000), and Ventura (2002)] to forgo the circulation of petitions, but maintained LAFCO review and approval.

More recently, SB 365 (Dodd), Chapter 216, Statutes of 2017, allowed the Solano County Board of Supervisors to initiate the formation of a regional park and open space district by adopting a resolution and calling an election in lieu of LAFCO approval and circulating a petition.

- 3) **Bill Summary.** This bill establishes an alternative procedure for forming a regional park and open space district by allowing the legislative body of any county or city that contains the

territory proposed to be included in the district to form a district by adopting a resolution of application. The resolution must contain: the methods by which the district will be financed, including, but not limited to, special taxes and fees; the proposed name for the district and the reasons for forming it; and, a description of the territory to be included.

The legislative body must hold a public hearing on the resolution before adopting it, and must publish notice of the hearing in one or more newspapers of general circulation within the county or city. It also must provide mailed notice of the hearing to the executive officer of the local LAFCO of the principal county at least 20 days before the hearing. The notice must generally describe the proposed formation of the district and the proposed territory of the district.

At the hearing, the legislative body must provide any person an opportunity to present his or her views on the resolution. The clerk of the legislative body must file a certified copy of the resolution with the executive officer of the LAFCO of the principal county.

- 4) **Arguments in Support.** The California Association of Local Agency Formation Commissions (CALAFCO) states, "CALAFCO supports the availability of a more streamlined and less costly initiation process for Regional Park and Open Space Districts...Further, keeping the LAFCO application process intact also allows for the appropriate detailed review to ensure the efficient and sustainable provision of services."
- 5) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Local Agency Formation Commissions
Contra Costa LAFCO
Fresno LAFCO
Mendocino LAFCO
R.E.A.C.H. San Benito Parks Foundation
San Mateo LAFCO
Stanislaus County
Yolo LAFCO

Opposition

None on file

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