

Date of Hearing: June 29, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

SB 1374 (Lara) – As Amended June 16, 2016

SENATE VOTE: Vote not relevant

SUBJECT: The Lower Los Angeles River Recreation and Park District Act.

SUMMARY: Creates the Lower Los Angeles River Recreation and Park District. Specifically, **this bill:**

- 1) Creates the Lower Los Angeles River Recreation and Park District (District), and establishes the governance and powers for the District.
- 2) Requires the District to be subject to the Recreation and Park District Law, except as provided by in this bill.
- 3) Requires, notwithstanding the provisions in the principal act that specify the selection of the initial board of directors (Board), the District's initial board of directors to consist of no more than 11 members as follows:
 - a) The city councils of each of the following cities may appoint one representative:
 - i) City of Vernon;
 - ii) City of Maywood;
 - iii) City of Bell;
 - iv) City of Bell Gardens;
 - v) City of Cudahy;
 - vi) City of Lynwood;
 - vii) City of Compton;
 - viii) City of Paramount;
 - ix) City of Long Beach;
 - b) The Los Angeles County Board of Supervisors (Board of Supervisors) may appoint two public members.
- 4) Requires a person appointed to the Board to serve at the pleasure of the city council or Board of Supervisors that made the appointment.
- 5) Requires the District, in addition to the powers in the principal act, to do all of the following:
 - a) Promote the development of open space and parks along the Lower Los Angeles River;

- b) Identify funding and resources to promote the revitalization of the Lower Los Angeles River and open spaces along the river, for the benefit and enjoyment of local communities; and,
 - c) Acquire, construct, improve, maintain, and operate parks and open space along the Lower Los Angeles River.
- 6) Requires the District to conduct the activities in 5) above, in coordination with the Lower Los Angeles River Working Group and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.
 - 7) Requires the initial Board, within a reasonable time, by ordinance or resolution to adopt a description of the territory to be included in the District, and any other information that would be required from the proponents for the formation of a new recreation and park district under LAFCO law.
 - 8) Finds and declares that a special law is necessary and that a general law cannot be made applicable because of the urgent need for local park space along the Lower Los Angeles River and the communities through which it passes.
 - 9) States that no reimbursement is required by this bill because a local agency or school district has the authority to levy service charges, fees, or other assessments sufficient to pay for the program or level of service mandated by this bill.

EXISTING LAW:

- 1) Establishes Recreation and Park District Law which governs formation, boundaries, governance, powers and duties, and finance for recreation and park districts.
- 2) Authorizes the initiation of the formation of a new recreation and park district by a petition proposal. Requires the petition to contain all of the requirements for a petition for the formation of a district under local agency formation commission (LAFCO) law, and to specify the methods by which the district will be financed, propose a name for the district, and specify the method of selecting the initial board of directors.
- 3) Requires LAFCO, once proponents have filed a sufficient petition or a legislative body has filed a resolution of application, to proceed with proposed district formation, pursuant to LAFCO law.
- 4) Prohibits LAFCO from approving a proposal that includes the formation of a district, unless LAFCO determines that the proposed district will have sufficient revenues to carry out its purposes.
- 5) Provides for the composition of the initial board of directors to be determined based on the territory contained in the district. Establishes the composition for a district that contains unincorporated territory and the territory of one or more cities to be elected or appointed by the county board of supervisors and the city councils in which the district is located. Requires, if the board is to be appointed, the appointments to be made according to the proportionate share of population of each city and county within the district.

- 6) Authorizes a recreation and park district to do the following:
 - a) Organize, promote, conduct, and advertise programs of community recreation;
 - b) Establish systems of recreation and recreation facilities; and,
 - c) Acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space both inside and beyond the district's boundaries.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Existing Law and Bill Summary.** The Recreation and Park District Law is a principal act that governs the 95 recreation and park districts in California. As a special district, recreation and park districts are subject to LAFCO jurisdiction and are subject to the proceedings contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. This bill is subject to all the provisions in the principal act, unless expressly exempted from them.

Existing law provides for the composition of the Board depending on the territory encompassed by the District. Board members may be appointed or elected. This bill establishes an 11-member Board for the District providing the nine specified cities with one appointment each, and the Board of Supervisors with two appointments of public members.

Current law authorizes a recreation and park district to organize, promote, conduct, and advertise programs of community recreation, establish systems of recreation and recreation facilities and to acquire, construct, improve, maintain, and operate recreation facilities, including, but not limited to, parks and open space both inside and beyond the district's boundaries. This bill provides additional powers to the District, and requires the District to promote the development of open space and parks along the Lower Los Angeles River, identify funding and resources to promote the revitalization of the Lower Los Angeles River and open spaces along the river, for the benefit and enjoyment of local communities, and to acquire, construct, improve, maintain, and operate parks and open space along the Lower Los Angeles River. Under this bill the District must coordinate with the Lower Los Angeles River Working Group and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to fulfill the duties established by this bill.

- 2) **Author's Statement.** According to the author, "The Lower LA River flows through many disadvantaged communities, where residents are disproportionately impacted by poor air quality from local heavy industry and congested transportation corridors, and suffer from a severe lack of access to recreational opportunities and outdoor park space. A recently released study by the Los Angeles County Department of Parks and Recreation identified the region around the Lower Los Angeles River as one of the most park-poor areas in LA County.

"According to the report, the City of Maywood has 0.3 park acres per 1,000 residents, whereas "the county-wide average is 3.3 acres per 1,000 residents. The City of Bell has just 0.4 acres per 1,000 residents. The City of Cudahy has just 19.8 acres of park space in a city

of 24,164 people. Of the 32 parks in the city, one was rated as “good”. The other 31 were rated as “fair” or “poor”.

"The single biggest barrier to development of new parks is a lack of funding. The recently approved state water bond (Proposition 1) does provide funding opportunities for the revitalization of the Lower Los Angeles River watershed, including a \$30 [million] direct allocation to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, and a share of \$100 [million] for urban creek restoration. But those funds are strictly limited to acquisition and development of facilities, and cannot be used for operation or maintenance of park facilities. A lack of local resources often means that parks cannot be developed, or if they are, they cannot be properly maintained. Parks have many beneficial impacts on communities; encouraging physical activity, improving health and fitness, reducing urban heating effects and air pollution, reducing greenhouse gas emissions through trees and greenery, and providing important economic benefits.

"While the Lower LA River serves an important purpose as a flood protection and control channel, it also presents a unique opportunity for open space, urban greening, and as a recreational resource for the region. With numerous recent developments, including the creation of a Lower Los Angeles River Working Group to develop a revitalization plan, the City's Los Angeles River Revitalization Master Plan, and multiple conversations about a new vision for the river, there is a growing local interest in rejuvenation of the river.

"Through the formation of the [District], working in collaboration with the Working Group and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, SB 1374 will help to promote the development of open space and parks for the benefit of communities along the Lower LA River."

- 3) **Background.** The LA River is entirely within the County of Los Angeles (County). The approximately 32 miles of the River upstream of the City of Vernon is considered to be the Upper River and is within the bounds of the City of Los Angeles. The approximately 19 miles of the Lower River includes the Cities of Vernon, Commerce, Maywood, Bell, Bell Gardens, Cudahy, South Gate, Lynwood, Compton, Paramount, Carson and Long Beach.

The areas surrounding the River are widely considered to have relatively few open space and park areas. Particularly along the Lower River, industrial activity and railyards immediately adjacent to the River serve to isolate the River from the surrounding communities.

In the early 1990s, community activism over turning a railyard adjacent to the River into open space coincided with the County beginning a process that – after considerable input from stakeholders and community outreach – resulted in the County's Los Angeles River Master Plan in 1996. The Master Plan described how economic growth could be spurred along the River in the County through zoning changes and the development of open space, recreational, cultural, artistic, educational and other opportunities.

The City of Los Angeles' Los Angeles River Revitalization Master Plan was released in 2007. Continuing the long-term goals of the County's Master Plan, the Revitalization Master Plan also promoted the revitalization of the River as a multi-benefit solution to addressing and enhancing water quality and flood control while enabling safe access to the River and restoring a functional river ecosystem. The City's Revitalization Master Plan focused on the Upper River. The Lower LA River does not have such a plan.

AB 530 (Rendon), Chapter 684, Statutes of 2015, established the Lower Los Angeles River Working Group which is tasked with developing a revitalization plan for the Lower River watershed and the communities through which it passes by March 1, 2017.

- 4) **Policy Considerations.** The Committee may wish to consider the following:
- a) **Limiting LAFCO Powers.** The Legislature has delegated the power to control local boundaries to the 58 LAFCOs. This bill bypasses LAFCO, and does not require the usual formation process to occur. This Committee has seen an increasing number of bills seeking to bypass the LAFCO process, therefore, the Committee may wish to consider if this bill is going against legislative intent that designated fundamental powers to LAFCOs to make these types of decisions. The Committee may wish to ask the author why the current LAFCO process is not a viable option for the formation of the District and why this bill is necessary.
 - b) **Prior Bills that Established a Modified LAFCO Process.** In the past several years, the Legislature has established a modified LAFCO process or exempted specified requirements in the LAFCO process for the formation and consolidation of several special districts following a history of failed attempts at the local level including, | AB 2453 (Achadjian), Chapter 350, Statutes of 2014, for the creation of the Paso Robles Water District; AB 3 (Williams), Chapter 548, Statutes of 2015, for the formation of the Isla Vista Community Services District; and, AB 1232 (Huffman), Chapter 518, Statutes of 2010, for the consolidation of the Sewerage Agency of Southern Marin and its member districts, after notice and hearing, but without protest hearings. The Committee may wish to consider the local politics and history around these issues which prevented local consensus.
 - c) **What's Missing?** This Committee has heard a number of bills that contemplate the existence of a special district that many would argue has outlived its purpose. In light of those conversations, the Committee may wish to require that any special district that is established by the Legislature will have the funding to be able to fulfill its statutory purpose. Under existing law, LAFCO is prohibited from approving the formation of a district, *unless it can determine that the proposed district will have sufficient revenues to carry out its purposes.* In absence of this review at the local level, the Committee may wish to require this bill to identify a source of funding. Additionally, the Committee may wish to consider the policy of establishing a specified governing body for a District that does not have defined boundaries.
 - d) **LA River Working Group Revitalization Plan.** As a result of AB 530 (Rendon), the LA River Working Group is required to develop a revitalization plan for the Lower LA River by March 1, 2017. The Committee may wish to consider, in light of the working group and the authority granted under existing law to the cities and the County specified in the bill, to establish a joint powers authority, if it is necessary to form a district to accomplish duties that local governments are already authorized to perform.
- 5) **Committee Amendments.** In absence of failed attempts at the local level, the Committee may wish to encourage the author to limit the provisions of the bill to specifying the governing body and powers, but still require the formation of the District to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Committee

amendments would no longer create the District, but provide the specified governing body and powers, should there be a proposal to initiate the formation of the District, pursuant to process under existing law, and the approval of the District, pursuant to the LAFCO process under existing law.

6) **Arguments in Support.** None on file.

7) **Arguments in Opposition.** None on file.

8) **Double Referral.** This bill is double-referred to the Water, Parks and Wildlife Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Misa Lennox / L. GOV. / (916) 319-3958