

Date of Hearing: June 28, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
SB 693 (Mendoza) – As Amended June 20, 2017

SENATE VOTE: 25-9

SUBJECT: Lower San Gabriel River Recreation and Park District.

SUMMARY: Authorizes the formation of the Lower San Gabriel River Recreation and Park District (District), pursuant to existing law, and establishes the governing board structure and powers of the District. Specifically, **this bill:**

- 1) Authorizes, until January 1, 2019, the formation of the Lower Los Angeles River Recreation and Park District (District), pursuant to the Cortese-Knox-Hertzberg Reorganization Act of 2000 (Act), and establishes the governance and powers for the District.
- 2) 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 15 members as follows:
 - a) The city councils of each of the following cities may appoint one representative: Downey, Whittier, Pico Rivera, Norwalk, Santa Fe Springs, Artesia, Bellflower, Cerritos, Lakewood, Montebello, Hawaiian Gardens, and Long Beach.
 - b) The Los Angeles County Board of Supervisors (Board of Supervisors) may appoint one public member. Requires the public member to be a resident of the Lower San Gabriel River region.
 - c) The executive officer of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, established pursuant to existing law, may serve as a member.
 - d) A nonprofit entity located in the Lower San Gabriel River region that specializes in open spaces, public education, and outdoor activities that is chosen by a majority of the members of the initial board of directors shall appoint one member. Requires the appointed member to reside in the Lower San Gabriel River region.
- 3) Requires a person appointed to the Board to serve at the pleasure of the city council or Board of Supervisors that made the appointment.
- 4) Authorizes the Board to be reorganized, pursuant to the Recreation and Park District Law.
- 5) Requires the District, in addition to the powers and financing authority in the principal act which are subject to review and approval of the Los Angeles County Local Agency Formation Commission (LA LAFCO) upon formation, change of organization, or reorganization, to do all of the following:
 - a) Promote the development of open space and parks along the Lower San Gabriel River;

- b) Identify funding and resources to promote the revitalization of the Lower San Gabriel 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 San Gabriel 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, which has certain responsibilities regarding the Lower San Gabriel River.
 - 7) 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 San Gabriel River and the communities through which it passes.
 - 8) States that no reimbursement is required by this bill because the only costs that may be incurred by a local agency or school district will be incurred because this bill creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, pursuant to existing law.

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 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: According to the Senate Appropriations Committee, unknown increased cost pressures, potentially in the tens of millions, to fund projects along the Lower San Gabriel River (bond funds, special funds, General Fund).

COMMENTS:

- 1) **Existing Law and Bill Summary.** This bill authorizes the formation of the District, and is author-sponsored. The major provisions are as follows:
 - a) **Formation.** 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 (Act). This bill authorizes the formation of the District, until January 1, 2019, subject to the Act.
 - b) **Governance.** Recreation and park districts are governed by a five-member board of directors. 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 a 15-member Board for the District providing the 12 specified cities with one appointment each, the Board of Supervisors with one appointment of a public member, the executive officer of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy with a seat, and a nonprofit entity located in the Lower San Gabriel River region that is selected by the initial Board with one appointment of a resident of the Lower San Gabriel River region, with a seat.
 - c) **Powers.** 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, if it is created, and requires the District to promote the development of open space and parks along the Lower San Gabriel River, to identify funding and resources to promote the revitalization of the Lower San Gabriel 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 San Gabriel River. If the District is formed, then it 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, "SB 693 will provide communities along the Lower San Gabriel River greater access to recreational space as well as promote the river's revitalization. This bill would help enhance the quality of life for local residents by improving the health and economic benefits for the communities."
- 3) **Background and Prior Legislation.** The Lower San Gabriel River flows 43 miles through Los Angeles and Orange Counties, including many cities that are categorized as disadvantaged communities, where residents are disproportionately impacted by poor air quality and a lack of access to recreational and outdoor park space. Most of the Lower San Gabriel River is channelized, with the section below Whittier Narrows Dam lined by concrete and compacted by debris and flood control dams.

The San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) was created by the Legislature in 1999. The RMC's mission is, among other things, to preserve open space and habitat in order to provide for low-impact recreation and educational uses, wildlife habitat restoration and protection, and watershed improvements within its jurisdiction. It is one of ten conservancies located in the Natural Resources Agency. The RMC's territory includes the Lower San Gabriel River.

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.

SB 1374 (Lara), Chapter 486, Statutes of 2016, authorized the formation of the Lower Los Angeles River Recreation and Park District, pursuant to the Act, and established governance and powers for the district. This bill contains substantially similar provisions regarding the formation process and powers as those contained in SB 1374 for the Lower Los Angeles River Recreation and Park District. SB 1374 also specified a governance structure with noted differences to the board structure established by this bill. According to the Los Angeles County LAFCO, no formal formation proceedings have begun for the Lower Los Angeles River Recreation and Park district as of yet and has to be established by January 1, 2019.

- 4) **Policy Consideration and Committee Amendment.** This bill authorizes a non-profit, selected by the initial Board, to appoint a member of an independent special district. The Committee may wish to note that SB 1374 (Lara) authorized the Board of Supervisors to appoint two public members, one of which must be a representative of a non-profit organization serving the Lower Los Angeles River Region.

To align the author's intent with the provisions of the bill, the Committee may wish to ask the author to accept committee amendments that will delete the authority granted to a non-profit organization to make the appointment and instead authorize the initial Board to appoint a representative of a nonprofit that specializes in open spaces, public education, and outdoor activities in the Lower San Gabriel River region.

- 5) **Arguments in Support.** The City of Artesia states, "Open space along the river is relatively sparse, with limited opportunities for recreation. Additionally, the Lower San Gabriel River is in a geographic area where multiple cities are categorized as disadvantaged communities and have median income levels that are less than 80% of the state's median household income. Therefore, the lower San Gabriel River region can greatly benefit from expanded access to open space and recreational opportunities. SB 693 would help enhance the quality

of life for local residents living in the communities surrounding the Lower San Gabriel River."

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

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

REGISTERED SUPPORT / OPPOSITION:

Support

City of Artesia
City of Whittier

Opposition

None on file

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