

Date of Hearing: June 23, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

SB 268 (Archuleta) – As Amended April 5, 2021

SENATE VOTE: 39-0

SUBJECT: Parks and recreation: Lower Los Angeles River Recreation and Park District: Lower San Gabriel River Recreation and Park District: establishment: board of directors.

SUMMARY: Makes changes to the board of directors for the Lower Los Angeles River Recreation and Park District (LLAR District) and the Lower San Gabriel River Recreation and Park District (LSGR District), and makes additional changes to district formation. Specifically, **this bill:**

- 1) Changes the initial board of directors of the LLAR District from 13 members to 17 members, allowing the following cities to appoint one representative each:
 - a) The City of Commerce.
 - b) The City of Downey.
 - c) The City of Montebello.
 - d) The City of Pico Rivera.
- 2) Authorizes the Los Angeles County Board of Supervisors to appoint three public members instead of two to the LLAR District Board.
- 3) Removes language that authorized the cities of Commerce, Downey, Montebello, and Pico Rivera to jointly appoint one member to the LLAR District Board.
- 4) Extends, until January 1, 2024, the deadline to apply to the Los Angeles County Local Agency Formation Commission (LAFCO) to establish the LSGR District.
- 5) Removes the ability of the City of Montebello to appoint a member to the LSGR District Board and increases the number of public members appointed to the LSGR District Board by the Los Angeles County Board of Supervisors from one to two.
- 6) Makes other technical and clarifying changes.
- 7) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the urgent need for local park space along the Lower Los Angeles River and the Lower San Gabriel River, and the communities through which these rivers pass.
- 8) Specifies that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution 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, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

EXISTING LAW:

- 1) Authorizes the formation of the LLAR District until January 1, 2021.
- 2) Requires the LLAR District's initial board of directors to consist of no more than 13 members, appointed by cities that border the Los Angeles River, its tributaries, and Los Angeles County. Specifically:
 - a) The city councils of the Cities of Vernon, Maywood, Bell, Bell Gardens, Cudahy, South Gate, Lynwood, Compton, Paramount, and Long Beach may each appoint one representative.
 - b) The Los Angeles County Board of Supervisors may appoint two public members, which must include at least one representative of a nonprofit organization serving the Lower Los Angeles River region.
 - c) The city councils of the Cities of Commerce, Downey, Montebello, and Pico Rivera may jointly appoint one representative, who serves for a two-year fixed term.
- 3) Requires the LLAR District, in coordination with the Lower Los Angeles River Working Group and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), to promote the development of open spaces and parks, identify funding, and acquire, construct, improve, maintain, and operate parks and open space along the Lower Los Angeles River.
- 4) Authorizes, until January 1, 2020, the formation of the LSGR District, which must also coordinate its activities with RMC to promote the development of open spaces and parks, identify funding, and acquire, construct, improve, maintain, and operate parks and open space along the Lower San Gabriel River.
- 5) Specifies that the initial board of directors for the LSGR District must not consist of more than 15 members appointed as follows:
 - a) The city councils of the Cities of Downey, Whittier, Pico Rivera, Norwalk, Santa Fe Springs, Artesia, Bellflower, Cerritos, Lakewood, Montebello, Hawaiian Gardens, and Long Beach may each appoint one board member.
 - b) The Los Angeles County Board of Supervisors may appoint one public member, who must reside within the Lower San Gabriel River Region.
 - c) The executive officer of the RMC may serve as a member.
 - d) The other members of the initial board of directors can appoint one board member. This member must be a representative of a nonprofit organization, as specified, and must reside within the Lower San Gabriel River Region.

FISCAL EFFECT: According to the Senate Appropriations Committee, this bill contains, “Unknown increased cost pressures, potentially in the tens of millions, to fund projects along the Lower San Gabriel River, to the extent the new LSGR District is successfully established.” (bond funds, special funds, General Fund)

COMMENTS:

- 1) **LAFCO.** LAFCOs are responsible for coordinating logical and timely changes in local governmental boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structures, and preparing a sphere of influence for each city and special district within each county. The courts refer to LAFCOs as the Legislature's "watchdog" over local boundary changes. LAFCO law establishes procedures for local government changes of organization, including special district consolidations. LAFCOs regulate boundary changes through the approval or denial of proposals by other public agencies or individuals for these procedures.

The process for most boundary changes and agency formations requires numerous steps:

- a) Application to LAFCO, by petition or resolution, for an environmental review, property tax exchange agreement, and a plan for services that describe what services will be provided and how the services will be financed.
 - b) Noticed public hearing, testimony, and approval or disapproval by LAFCO in which LAFCO can impose terms and conditions.
 - c) Additional public hearing for protests. If a majority of the city's voters file protest, the disincorporation stops, and if not, LAFCO must order an election on the proposed disincorporation.
 - d) If existing law requires it, an election that requires a majority vote approval.
 - e) LAFCO staff files documents to complete the reorganization. LAFCOs are required to approve district consolidations where each merging district passes a resolution endorsing the consolidation, but provisions that govern protest and elections still apply.
- 2) **Recreation and Park Districts.** The Recreation and Park District Law is the principal act that governs the 95 recreation and park districts in California. As special districts, recreation and park districts are subject to LAFCO jurisdiction and are subject to the proceedings contained in the LAFCO law. Current law provides two means for initiating the formation of a recreation and parks district: (1) by petition signed by 25 percent of the registered voters in the proposed district's territory, or (2) by resolution of application by a city or county that contains the territory proposed to be included in the district. The petition or resolution must be submitted to LAFCO.

The petition or resolution must meet all requirements for such petitions in the LAFCO law and specify the methods by which the district will be financed, the proposed name for the district, the method of selecting the initial board of directors, and whether the district will have eminent domain authority. Upon receipt of the petition or resolution, the LAFCO must conduct proceedings to consider the formation of the district. The LAFCO may not approve

a proposal unless the commission determines that the proposed district will have sufficient revenues to carry out its purpose.

Each recreation and parks district is governed by a five-member board of directors. A district's board may be elected by voters or appointed by the legislative bodies of the cities and counties that make up the district's territory. If appointed, the seats must be allocated proportionally based on the population that falls within the proposed boundaries of the district in each city and in the unincorporated territory of the relevant county or counties, as long as each city and the county appoints at least one member. City councils and boards of supervisors may appoint their own members to the district's board. Following the initial appointment, board members may be reorganized according to a process laid out in the Recreation and Park District Law.

A recreation and park district may exercise numerous powers, including to organize, promote, conduct, and advertise community recreation programs and to acquire, construct, improve, maintain, and operate recreation facilities. These districts have several means of funding their operations, including borrowing money and incurring indebtedness, levying fees, special taxes, and benefit assessments, as well as selling general obligation bonds and forming Mello-Roos community facilities districts. A district may also adopt rules, regulations, and ordinances governing the district's operations, including rules and regulations for the administration and use of recreation facilities.

- 3) **San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.** The RMC was created by the Legislature in 1999 [AB 1355 (Havice), Chapter 788, Statutes of 1999], and is one of ten conservancies within the California Resources Agency. The RMC's territory covers eastern Los Angeles County and western Orange County which includes mountains, valleys, rivers, coastal plain, and coastline. The RMC's governing board is comprised of 13 voting and 7 non-voting members who are appointed or designated by local, state, and federal agencies. A Parkway and Open Space Plan was written as required by the Conservancy's founding legislation.
- 4) **Lower Los Angeles River Recreation and Park District.** The Los Angeles River is entirely within the County of Los Angeles. 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. To address the lack of access and funding for parks and recreation opportunities in this area, the Legislature enacted SB 1374 (Lara), Chapter 486, Statutes of 2016, which authorized the formation of the LLAR District pursuant to the LAFCO law and the Recreation and Park District Law. SB 1374's authorization lasted until January 1, 2019, which was extended to January 1, 2021 by SB 875 (Committee on Budget & Fiscal Review), Chapter 453, Statutes of 2018, and establishes the governance and powers for the District. According to Los Angeles County LAFCO, the City of South Gate submitted an application on December 2019 to form the LLAR District. The LAFCO is currently reviewing the application.
- 5) **Lower San Gabriel River Recreation and Park District.** The Lower San Gabriel River flows 43 miles through Los Angeles and Orange Counties. 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. To address similar access and funding issues to the Lower Los Angeles River, the Legislature enacted SB 693 (Mendoza), Chapter 466, Statutes of 2017, which authorized the formation of the LSGR District subject to LAFCO law and the Recreation and Park District Law. The bill set a January 1, 2020, deadline for an application to form the district. According to Los Angeles County LAFCO, neither a petition nor a resolution to establish the recreation and park district was submitted by January 1, 2020.

- 6) **Bill Summary.** This bill increases the initial board of directors for the LLAR District from 13 to 17 members. Instead of sharing one director who rotates every two years, the cities of Commerce, Downey, Montebello, and Pico Rivera would each appoint their own city council member with the same term as the other directors. The bill also allows the Los Angeles County Board of Supervisors to appoint a third public member to the board. This bill maintains a 15-member board for the LSGR District, but replaces the member from the city of Montebello with an additional public member appointed by the Los Angeles County Board of Supervisors. The bill also extends, until January 1, 2024, the deadline to submit an application to establish the LSGR District. The author is the sponsor of this bill.
- 7) **Author's Statement.** According to the author, "The Lower San Gabriel River flows 43 miles through Los Angeles and Orange Counties, including many cities categorized as disadvantaged communities, where residents are disproportionately impacted by poor air quality and a lack of access to recreational and outdoor park space. SB 268 authorizes the establishment of the Lower San Gabriel River Recreation and Park District (LSGRPD) subject to LAFCO law and the Recreation and Park District Law until January 1, 2024. It also makes changes to the board of directors for the Lower Los Angeles Park District to increase representation from cities in the District. Together the changes establish the Lower Los Angeles and Lower San Gabriel River Park Districts and allow these governmental bodies to represent the cities and stakeholders, as well as outlines the body's authorities and duties, including the responsibility to identify funding sources to promote open spaces. SB 268 will ensure residents in surrounding areas of the Lower Los Angeles and Lower San Gabriel River will have access to the benefits of recreational areas that many other Californians enjoy."
- 8) **Arguments in Support.** The City of Artesia writes, "SB 268 will authorize the establishment of the Lower San Gabriel River Recreation and Park District, providing greater access to recreational space and promoting revitalization of the area. This bill will also make changes to the initial board of directors of the Lower Los Angeles Park District to increase representation from cities affected by this Park District. Together these changes will establish the Lower Los Angeles and the Lower San Gabriel River Park Districts and allow these governmental bodies to represent the cities and stakeholders, as well as outline the body's authorities and duties, including the responsibility to identify funding sources to promote open spaces."
- 9) **Arguments in Opposition.** None on file.
- 10) **Double Referral.** This bill is double-referred to the Water, Parks, and Wildlife Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Recreation and Park Districts
City of Artesia
City of Bell
City of Bellflower
City of Cerritos
City of Commerce
City of Downey
City of Hawaiian Gardens
City of Lakewood
City of Montebello
City of Norwalk
City of Pico Rivera
City of Santa Fe Springs
City of South Gate

Opposition

None on file

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