

Date of Hearing: July 1, 2021

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Eduardo Garcia, 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: Allows for changes to the Lower Los Angeles River Recreation and Park District (LLAR District). Specifically, **this bill**:

1. Authorizes each city (The City of Vernon, The City of Maywood, The City of Bell, The City of Bell Gardens, The City of Cudahy, The City of South Gate, The City of Lynwood, The City of Compton, The City of Paramount, The City of Long Beach, The City of Commerce, The City of Downey, The City of Montebello, The City of Pico Rivera) to appoint one member, and the Los Angeles County Board of Supervisors to appoint an additional member to the LLAR District board.
2. Extends the deadline to submit a petition or resolution establishing the LLAR District to January 1, 2024, from January 1, 2020.
3. Removes the authorization for the City of Montebello city council to appoint a member to the board of directors and instead authorizes the Los Angeles County Board of Supervisors to appoint an additional public member to the Lower San Gabriel River (LSGR) Recreation and Park District.

EXISTING LAW:

1. Delegates the Legislature's power to control the boundaries of cities and special districts to Local Agency Formation Commissions (LAFCOs). Each county has a LAFCO, which is governed by a board of elected officials [the Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH Act)] (GOV § 56300).
2. Tasks LAFCOs with ensuring that services are effectively and efficiently delivered, and local governments can only exercise their powers and provide services where the LAFCO allows. In order to accomplish these goals, LAFCOs preside over boundary changes that include the formation of new cities and special districts (GOV § 56300).
3. Enacts the Recreation and Park District Law as the principal act that governs all the recreation and park districts in California. As a special district, recreation and park districts are subject to LAFCO jurisdiction, and subject to the proceedings contained in LAFCO law (PRC § 5780).
4. 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 (GOV § 56300).

5. Provides that the petition or resolution must meet all requirements under LAFCO law and specify the methods by which the district will be financed, its proposed name, 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 it determines that the proposed district will have sufficient revenues to carry out its purpose (GOV § 56300).
6. Authorizes a recreation and park district to 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 levying fees, special taxes, and benefit assessments, as well as forming Mello-Roos community facilities districts. Park districts can also issue general obligation bonds. 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 (GOV § 61100).
7. Provides that a five-member board of directors governs each recreation and park district. A district's board may be elected 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. Following the initial board's formation, board members may be reorganized according to a process laid out in the Recreation and Park District Law (GOV § 56300).
8. Authorized the formation of the LLAR District until January 1, 2021 (PRC § 5785).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** 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. Currently, 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 controls. SB 693 (Mendoza) will sunset in January of 2020, leaving this area without the opportunity to establish the Lower San Gabriel River Recreation and Park District and address this region's specific concerns.
- 2) **Background.**
Local Agency Formation Commissions. Local parks are either managed by cities, counties, or regional park districts. In 2000, the CKH Act delegated the Legislature's power to control the boundaries of cities and special districts to LAFCOs, and each county has a LAFCO. To create a new park district, the proposed district must be approved by the county's LAFCO, ensuring the district promotes, conducts, and organizes community recreation as well as constructs, operated and maintains recreation facilities.

Each LAFCO is governed by a board of elected officials—including city council members and county supervisors—and at least one member of the public appointed by the other members. About half of LAFCO boards have representatives from special districts, and the LAFCOs are responsible for ensuring that services are effectively and efficiently delivered. LAFCOs preside over boundary changes that may include the formation of new cities and special districts.

The CKH Act tasks LAFCOs with ensuring that services are effectively and efficiently delivered, and local governments can only exercise their powers and provide services where the LAFCO allows. In order to accomplish these goals, LAFCOs preside over boundary changes that include the formation of new cities and special districts.

In 2017, SB 693 (Mendoza) passed to establish the LSGR Recreation and Park District, upon approval of the Los Angeles County LAFCO before January 1, 2020. However, the region was not able to complete the petition for the park district before this January 1, 2020, deadline. SB 1374 (Lara) in 2016 similarly established the LLAR and Park District.

The board members are appointed by the city councils for each city within the park district. This bill changes the City of Montebello's park district from the LSGR Recreation and Park District to the LLAR Recreation and Park District. Expanding the LLAR board to include a representative from the City of Montebello would have yielded an even number of board members, so the bill gives the Los Angeles County Board of Supervisors the authority to appoint one additional public member to the LLAR board. Initially, the City of Montebello's city council had the authority to appoint a member to the board of directors for the LSGR District as part of SB 693 (Mendoza, 2017). Since the City of Montebello is not contiguous with the LSGR, the City of Montebello does not object to its removal, and the bill gives the City their own spot on the LLAR District board, rather than share with three other cities. The bill replaces Montebello's seat on LSGR District with a Board of Supervisor's appointee.

While the bill specifies that the Board of Supervisor's appointments to the LSGR board must reside within the LSGR region and one appointment must represent a nonprofit organization, the Board of Supervisors appointment to the LLAR board only specifies that one of the three members appointed must represent a nonprofit organization, without a residency requirement.

It may be worth considering whether or not the board members should also live within the region they are representing.

- 3) **Double Referral:** This bill was heard in the Local Government Committee where it passed out on Consent before being referred to this Committee.
- 4) **Prior and Related Legislation.**

SB 693 (Mendoza), Chapter 466, Statutes of 2017, authorized the establishment of the LSGR Recreation and Park District subject to LAFCO law and the Recreation and Park District Law by January 1, 2020.

SB 1374 (Lara) 2016, Chapter 611, Statutes of 2017, authorized the establishment of the LLAR District subject to LAFCO law and the Recreation and Park District Law, and proposed a revitalization plan for this area of the river by March 2017.

AB 530 (Rendon), Chapter 684, Statutes of 2015, required the Secretary of the Natural Resources Agency to appoint a local working group to develop a revitalization plan for the Lower Los Angeles River watershed, called the Lower Los Angeles River Working Group. The bill requires the working group by March 2017 to develop a revitalization plan for the Lower Los Angeles River, consistent with the County of Los Angeles's Master Plan, and that includes watershed education programs. The bill requires the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to provide staffing to assist the working group.

- 5) **Arguments in Support.** Many cities within the LLAR and LSGR regions attest that the establishment of the LSGR Recreation and Park District and changes to the District will provide greater access to recreational space and promote revitalization by enabling representation from cities and stakeholders to responsibly identify funding sources to promote open spaces.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Recreation & Park Districts

City of Artesia

City of Bell

City of Commerce

City of Hawaiian Gardens

City of Lakewood

City of Montebello

City of Santa Fe Springs

City of South Gate

Opposition

None on file.

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