

SENATE THIRD READING
SB 268 (Archuleta)
As Amended April 5, 2021
Majority vote

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.

Major Provisions

- 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.

COMMENTS

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:

- 1) 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.
- 2) Noticed public hearing, testimony, and approval or disapproval by LAFCO in which LAFCO can impose terms and conditions.
- 3) 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.
- 4) If existing law requires it, an election that requires a majority vote approval.
- 5) 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.

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% 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.

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 seven 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.

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 (Budget and Fiscal Review Committee), 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.

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.

According to the Author

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."

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."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, "Cost pressures of an unknown amount, potentially in the tens of millions of dollars, to fund projects along the Lower San Gabriel River, to the extent the new LSGR District is successfully established. (General Fund, special funds, bond funds)"

VOTES**SENATE FLOOR: 39-0-1**

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Melendez

ASM LOCAL GOVERNMENT: 8-0-0

YES: Aguiar-Curry, Lackey, Bloom, Boerner Horvath, Ramos, Luz Rivas, Robert Rivas, Voepel

ASM WATER, PARKS, AND WILDLIFE: 14-0-1

YES: Eduardo Garcia, Megan Dahle, Bennett, Bigelow, Friedman, Cristina Garcia, Kalra, Levine, Muratsuchi, Nguyen, Blanca Rubio, Salas, Smith, Ward

ABS, ABST OR NV: Villapudua

ASM APPROPRIATIONS: 16-0-0

YES: Lorena Gonzalez, Bigelow, Bryan, Calderon, Carrillo, Chau, Megan Dahle, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Kalra

UPDATED

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