

ASSEMBLY THIRD READING

AB 769 (Wilson)

As Amended May 5, 2025

Majority vote

SUMMARY

Makes numerous changes to the laws governing Regional park and open-space districts (RPOSDs).

Major Provisions

- 1) Removes the requirement that an RPOSD shall appoint a controller.
- 2) Specifies that consent of a majority of voters does not need to be obtained for a lease of any real property for a period not exceeding 50 years, instead of 25 years.
- 3) Provides that a RPOSD, with approval by a two-thirds vote, instead of a unanimous vote of the members of its board of directors, may exchange real property or an interest in real property for real property or an interest in real property of equal or greater value, as specified.
- 4) Specifies that, if a proposed exchange of real property or an interest in real property is not feasible due to inability to identify a compatible or comparable exchange on an equal or greater value basis or for park or open-space, the East Bay Regional Park District (EBRPD) may accept monetary compensation concluded by a highest and best market value determined and documented by a certified, licensed appraiser.
- 5) Provides that the acceptance of monetary compensation under 4), above, is only permissible when the real property or interest in real property exchange is with another public agency. Monetary compensation accepted pursuant 4), above, shall be used to purchase real property or an interest in real property for park and open-space purposes.
- 6) Specifies that the EBRPD, the Midpeninsula Regional Open Space District (MROSD), and the Sonoma County Agricultural Preservation and Open Space District (SCAPOSD) may exchange up to a maximum of 80 acres, instead of 40 acres, of district-owned real property or an interest in real property in a calendar year for other real property or an interest in real property, and real property or an interest in real property acquired by each district shall be adjacent to other real property owned by each district.
- 7) Specifies that, in a RPOSDs with a population of 200,000 or more, and with the approval of the board, the general manager may bind the district, in accordance with board policy that has been adopted in an open meeting, for the payment for equipment, supplies, and materials for any purpose, including new construction of a building, structure, or improvement, excluding labor and services, when the annual aggregate cost does not exceed \$200,000.
- 8) Provides that 7), above, applies only to the procurement of tangible equipment, supplies, and materials and shall not be interpreted to authorize the general manager to bind the district for labor or services that are customarily or historically performed by district employees.

- 9) Authorizes the MROSD and the EBRPD, without the consent of the voters to lease *any* property for a term not exceeding 99 years, instead of 50 years.

COMMENTS

RPOSDs. The Legislature first authorized the creation of regional park districts in 1933 'for the purpose of acquiring, improving, and maintaining parks, playgrounds, beaches, parkways, scenic drives, boulevards, and other facilities for public recreation. [AB 1114 (Roland), Chapter 1043, Statutes of 1933]. To provide these services, RPOSDs can use special taxes, benefit assessments, and general obligation bonds to acquire property by purchase or eminent domain.

Some RPOSDs are classified as independent and have their own directly-elected boards of directors with fixed terms. Independent special districts are a separate, autonomous form of government not controlled by a city or county. Other special districts are defined as dependent and act more comparable to a county or city department. For a dependent RPOSDs, the relevant board of supervisors serves as the district's board of directors.

RPOSDs have broad authority to develop, improve, and control their property for the purposes of parks, playgrounds, golf courses, trails, open space preserves, among others. RPOSDs may also select, designate, and acquire land and conduct programs and classes. The Public Resources Code authorizes RPSODs to do all other things necessary or convenient to carry out the purposes for which they were created.

Lease and Exchange of Property. RPOSDs must currently receive consent of the voters to convey an interest in real property dedicated and used for park or open-space purposes. However, consent of the voters is not needed for a lease of real property for up to 25 years. An exception to the 25-year limitation has been provided to the EBRPD, with respect to the Alameda Creek Quarries located in Alameda County, and MROSD for the lease of property. These RPOSDs are authorized to lease such properties for up to 50 years without consent of the voters.

In order to exchange property that is dedicated and used for park or open-space purposes a RPSOD must first obtain unanimous approval of its board of directors. No RPOSD can exchange more than 10 acres of RPOSD-owned property; except, the EBRPD, MROSD, and the SCAPOSD may exchange up to 40 acres per calendar year.

Contracting. Prior law sets bid limits for these districts at \$10,000 for non-construction work, and \$25,000 for construction contracts. However, the Legislature allowed exceptions to these thresholds for three districts: EBRPD, MROSD, and SCAPOSD. These districts were allowed to contract for any purpose for up to \$25,000 without bidding. These exceptions were based on a recognition that public bidding may not be cost-effective in all cases, particularly when the costs of time delays and resources expended on contract preparation and bidding are disproportionate to a contract's scope and total cost.

AB 745 (Levine), Chapter 42, Statutes of 2014, raised the limit to \$25,000 for all park and open space districts for all purposes, both construction and non-construction, resulting in a uniform statute for all of these districts. However, two subsequent bills – AB 495 (Gordon), Chapter 149, Statutes of 2015, and SB 1082 (McGuire), Chapter 52, Statutes of 2016 – once again created exceptions for EB RPD, MROSD, and the SC APOSD by raising their bid thresholds for both construction and non-construction contracts to \$50,000. AB 2137 (Mayes), Chapter 278,

Statutes of 2018, increased, from \$25,000 to \$50,000, the amount for which all RPOSDs may enter into contracts without a formal bid process. A RPOSD may increase the \$50,000 limit up to 2% each fiscal year.

According to the Author

"The East Bay Regional Park District and Midpeninsula Regional Open Space District, along with similar agencies, play a critical role in preserving natural spaces while also providing valuable recreational opportunities for millions of Californians. However, existing applicable provisions in the Public Resources Code are increasingly outdated and do not fully address the current demands of land management, governance, or sustainable environmental practices. Over time, challenges such as climate change, equity in access to open space, and the need for more efficient administrative processes have become more pronounced. This bill's proposed amendments aim to address these issues through select updates of Article 3 of the Public Resources Code (PRC)."

Arguments in Support

According to EBRPD, MROSD, and the California Association of Recreation and Park Districts on a previous version of this bill, "Existing laws governing Park and Open Space districts are increasingly outdated and do not fully address the current demands of land management, governance, or sustainable environmental practices. Over time, challenges such as climate change, equity in access to open space, and the need for more efficient administrative processes have become more pronounced.

"AB 769 addresses the challenges facing regional park districts by:

- 1) Updating administrative and governance practices to increase inclusivity, efficiency and responsiveness.
- 2) Incorporating considerations such as climate change, extreme weather events, and the need for equitable, sustainable management of open space.
- 3) Including gender-inclusive language.
- 4) Updating outdated provisions regarding land management, including restrictive property lease terms and acreage limits for land exchanges.
- 5) Providing administrative flexibility for procurement in specified circumstances.

"These updates will provide administrative flexibility and adaptability to environmental and social changes, and safeguard the long-term sustainability of regional park resources."

Arguments in Opposition

None on file.

FISCAL COMMENTS

None.

VOTES

ASM LOCAL GOVERNMENT: 10-0-0

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

UPDATED

VERSION: May 5, 2025

CONSULTANT: Jimmy MacDonald / L. GOV. / (916) 319-3958

FN: 0000332