
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair
2025 - 2026 Regular

Bill No: AB 769
Author: Wilson
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Fiscal: No
Consultant: Vargas

REGIONAL PARK AND OPEN-SPACE DISTRICTS

Makes numerous changes to the laws governing regional park and open-space districts.

Background

Regional park and open space districts. 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). State law governs the formation, powers, and governance, of regional park and open space districts. The principal act for these districts allows them to acquire and preserve regional greenbelts of open space land, as well as protect and restore the natural environment. Regional park and open space districts can be governed by a directly-elected board, or the county supervisors, or a board appointed by the county board of supervisors.

Regional parks and open space can acquire and preserve regional open space land, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education. To provide these services, districts can use special taxes, benefit assessments, and general obligation bonds to acquire property by purchase or eminent domain.

Some regional park and open space districts are independent special districts, meaning they are a separate autonomous form of government outside of the control of the city or county, and have their own directly-elected boards of directors with fixed terms. Other special districts are dependent special districts, meaning the relevant board of supervisors serves as the district's board of directors, and the district acts more comparable to a county or city department.

Property. Regional park and open space districts can acquire real and personal property, including property rights. The seven regional parks and open space districts use this statutory authority to buy land and acquire conservation easements and open space easements. Before it can convey any real property interest in park or open space land, a district needs majority-voter approval. However, with the unanimous approval of its board of directors, a district can exchange park or open space property or property interests for other real property or property interests of equal or greater value. State law limits these exchanges to 10 acres a year.

However, the East Bay Regional Park District, Midpeninsula Regional Open Space District, and Sonoma County Agricultural Preservation and Open Space District can exchange up to 40 acres a year that is dedicated and used for park or open-space purposes.

Additionally, districts do not need voter approval for a lease of real property for up to 25 years. The Midpeninsula Regional Open Space District can lease property for up to 50 years without voter approval, and so can the East Bay Regional Park District with respect to the Alameda Creek Quarries located in Alameda County.

Contracting. Regional park and open space districts must advertise contracts for supplies, materials, labor, and construction and award them to the lowest responsible bidder. With the board of directors' approval, a district's general manager can award smaller jobs without advertising and without written contracts. The manager must report this spending at the board's next regular meeting.

When the Legislature created open space districts in 1933, the threshold for advertising bids was \$500. In 2014, the Legislature approved nearly to all open space districts can spend up to \$25,000 for non-construction supplies, materials, and labor, and up to \$25,000 on new construction projects without going through a formal bidding process (AB 745, Levine). Then in 2015, AB 495 (Gordon) allowed East Bay Regional Parks District and Midpeninsula Regional Open Space District to sign contracts for any purpose of up to \$50,000 without bidding. In addition to requiring to board approval, AB 495 required the district's general manager to report any expenditures in this manner to the board. The Legislature subsequently increased the bid threshold to \$50,000 for an additional open space district in 2016: the Sonoma County Agricultural Preservation and Open Space District. Then in 2018, the Legislature approved AB 2137 (Mayes) which allowed all regional park districts to raise their threshold to \$50,000 and automatic adjustments to reflect increases in construction costs up to 2% each fiscal year.

East Bay Regional Park District indicates that various provisions of their principal act are outdated and do not reflect modern conditions and requirements. It wants the Legislature to update provisions in the Regional Park and Open Space Act.

Proposed Law

Assembly Bill 769 makes numerous changes to the laws governing regional park and open-space districts.

First, AB 769 outlines new rules allowing certain park and open space districts to exchange land under specific conditions. Specifically, the bill allows:

- A district to lease property that is dedicated and used for park or open space purposes for up to 50 years (instead of 25 years under current law) without requiring voter approval;
- The Midpeninsula Regional Open Space District and East Bay Regional Park District to lease any real property for up to 99 years without voter approval for park or open space, historic preservation, recreation, climate resiliency, social equity, or agricultural purposes and removing the limitation of Alameda Creek Quarries for Easy Bay Regional Park District;
- A district to exchange land dedicated to park or open space use for other property equal or greater value with approval by a two-thirds vote instead of a unanimous vote of the members of its board of directors;
- The East Bay Regional Park District to, accept monetary compensation if a proposed exchange of real property isn't feasible as long as the exchange is with another public agency and the funds are used to acquire other park or open space land; and

- The East Bay Regional Park District, Midpeninsula Regional Open Space District, and Sonoma County Agricultural Preservation and Open Space District to exchange up to 80 acres annually, instead of 40 acres, of district-owned property or an interest in property.

Second, AB 769 increases the dollar threshold, from \$50,000 to \$200,000, under which a regional park or open space district with a population of 200,000 or more can delegate contracting authority to its general manager for equipment, supplies, and materials, but excluding labor and services.

Finally, AB 769 also:

- Updates gender-inclusive language;
- Removes the requirement that an RPOSD to appoint a controller and consolidates the controller's duties with the general manager;
- Repeals section about tax authorization due to Proposition 13 passage;
- Repeals the requirement that the East Bay Regional Park District regulate recreational vehicles on property and trails; and
- Repeals the special authority East Bay Regional Park district has to lease the San Leandro Bay Restaurant project.

Comments

1. Purpose of the bill. 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).”

2. So many people. State law imposes a variety of limitations on the ability of local governments to delegate contracting authority to staff, including to cap the maximum value of contracts. These limitations ensure that public dollars are spent visibly and wisely. Among other changes, AB 769 proposes to allow the general manager of a district with a population of 200,000 or greater to contract for equipment, supplies, and materials of up to \$200,000. It does so by cross-referencing the contracting threshold for counties with similar population size. This implicitly equates the responsibilities of large park districts with counties. However, despite having comparable population sizes, these entities deliver very different types of services. While park districts focus on providing parks and open space, counties provide a wide range of services: overseeing departments and programs, approving annual budgets, supervising county officers and employees, managing county property, and allocating funding for resident services. County governments are also more recognizable to the average citizen than a park district, and therefore are subject to much greater scrutiny of their expenditures. Given this distinction, the Committee may wish to consider lowering the procurement contract threshold to better reflect inflation adjustments and the differing scopes in service.

3. So many changes. AB 769's changes intend to strengthen protections for park and open space lands while also granting park districts greater flexibility in long-term leasing and clearly outlining legal pathways for the conveyance of property. For example, the East Bay Regional Park District indicated that CalFire expressed interest in leasing parkland to build a new firehouse. However, under current law, CalFire was unable to move forward with the contract because the maximum lease term of 25 years was too short to support their long term investment. AB 769 addresses this barrier by allowing longer lease terms under specific conditions, potentially reopening discussions with CalFire and enabling critical infrastructure projects that benefit both public safety.

4. Special legislation. The California Constitution prohibits special legislation when a general law can apply (Article IV, §16). AB 769 contains findings and declarations explaining the need for legislation that applies only to the East Bay Regional Park.

Assembly Actions

Assembly Local Government Committee:	10-0
Assembly Floor:	78-0

Support and Opposition (7/11/25)

Support: East Bay Regional Park District (Sponsor)
California Association of Recreation & Park Districts
California Special Districts Association
Midpeninsula Regional Open Space District

Opposition: None Submitted

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