
THIRD READING

Bill No: AB 769
Author: Wilson (D)
Amended: 7/17/25 in Senate
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 7-0, 7/16/25
AYES: Durazo, Choi, Arreguín, Cabaldon, Laird, Seyarto, Wiener

ASSEMBLY FLOOR: 78-0, 5/12/25 - See last page for vote

SUBJECT: Regional park and open-space districts

SOURCE: East Bay Regional Park District

DIGEST: This bill makes numerous changes to the laws governing regional park and open space districts.

ANALYSIS:

Existing law:

- 1) Establishes procedures for the formation of regional park, park and open-space, and open-space districts and prescribes the powers, functions, and duties of those districts.
- 2) Requires the board of directors of these districts to appoint a general manager as chief administrative officer of the district and a controller and authorizes appointment of other subordinate officers.
- 3) Prohibits a district from validly conveying land actually dedicated and used for park or open-space purposes without the consent of a majority of the district's voters voting at a special election when the lease of the land exceeds 25 years.
- 4) Authorizes a district to exchange park and open-space land by a unanimous vote of the board if the new park and open-space land is equal or greater in value and needed for park or open-space purposes.

- 5) Authorizes the East Bay Regional Park District, the Midpeninsula Regional Open Space District, and the Sonoma County Agricultural Preservation and Open Space District to exchange up to 40 acres of district-owned park or open-space land in a calendar year.
- 6) Authorizes the general manager of a regional park, park and open space, and open-space district, with district board approval, to bind the district, in accordance with board policy, and without advertising, for the payment for supplies, materials, labor, or other valuable consideration for any purpose in amounts not exceeding \$50,000.
- 7) Authorizes the district, by action of the board in an open meeting, to increase the amount by which the general manager of the district may bind the district above that limit.

This bill:

- 1) Removes the requirement that a Regional Park and Open Space District 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 Regional Park and Open Space District, 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.
 - a) Provides that the acceptance of monetary compensation only permissible when the real property or interest in real property exchange is with another public agency.
 - b) Monetary compensation accepted shall be used to purchase real property or an interest in real property for park and open-space purposes.

- 5) Specifies that the EBRPD, the Midpeninsula Regional Open Space District (MROSD), and the Sonoma County Agricultural Preservation and Open Space District 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.
- 6) Specifies that, in a Regional Park and Open Space District 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 \$150,000.
 - a) 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.
- 7) 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.

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, Chapter 42, Statutes of 2014). Then in 2015, AB 495 (Gordon, Chapter 149, Statutes of 2015) 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, Chapter 278, Statutes of 2018) 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.

Comments

Purpose of this 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).”

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/8/25)

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

OPPOSITION: (Verified 8/8/25)

None received

ASSEMBLY FLOOR: 78-0, 5/12/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Stefani

Prepared by: Itzel Vargas / L. GOV. / (916) 651-4119
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