

AMENDED IN ASSEMBLY JULY 1, 2009

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE APRIL 14, 2009

AMENDED IN SENATE MARCH 26, 2009

**SENATE BILL**

**No. 211**

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**Introduced by Senator Simitian**

(Principal coauthor: Assembly Member Monning)

(Coauthor: Assembly Member Caballero)

February 23, 2009

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An act to amend Section 5514 of, and to add Section 5506.14 to, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as amended, Simitian. Park district formation: County of Santa Cruz.

Existing law generally authorizes the formation of a district by a petition requesting the creation and maintenance of a district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the district, and presented to the board of supervisors of the county containing the largest area within the proposed district.

Existing law also authorizes proceedings for the formation of a regional park district, regional park and open-space district, or regional open-space district in specified counties of the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution, in lieu of the petition and related proceedings required under the above provisions.

This bill, in addition, would authorize the formation of a district in the County of Santa Cruz, except as specified, if the exterior boundaries of the proposed district are coterminous with the exterior boundaries of the county and are initiated by a specified resolution of the county board of supervisors, after a hearing noticed in accordance with specified procedures, in lieu of the petition and related proceedings required under the above provisions.

*This bill would require the district to establish a citizen advisory committee composed of nine members representing specified interests and communities to provide broad-based citizen input into the operation of the district. The bill would require the committee to provide advice and recommendations on specified matters. The district board of directors would be required to respond, in writing, to approved committee recommendations on matters related to expenditure plans and acquisition programs. The bill would subject the acquisition, by the board of directors, of property within the City of Watsonville's 25-year urban growth area boundary to the approval of the city council of that city.*

The bill would also require the resolution to call and give notice of an election to be held in the proposed district and would authorize the county counsel to prepare the ballot label for that election.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Legislature finds and declares all of the*  
2 *following:*

3     (a) *In May 1998, a broad-based group of residents, representing*  
4 *agricultural, business, environment, and government*  
5 *representatives, began a planning process for Pajaro Valley and*  
6 *formed a nonprofit group in 1999 to develop a collaborative*  
7 *planning process for the valley.*

8     (b) *The group developed a growth management strategy*  
9 *incorporating land use policies for the Pajaro Valley as an*  
10 *ecological region, including the City of Watsonville and the Green*  
11 *Valley area in Santa Cruz County, and the town of Pajaro in*  
12 *Monterey County, that balances economic interests, environmental*  
13 *resources, and socioeconomic needs for a 25-year period.*

1 (c) *The growth management strategy was endorsed by several*  
2 *environmental, business, labor, and government interests, including*  
3 *the City Council of the City of Watsonville and the Santa Cruz*  
4 *County Board of Supervisors.*

5 (d) *City of Watsonville residents approved Measure U, known*  
6 *as the Orderly Growth and Agricultural Protection Initiative, at*  
7 *the November 5, 2002, general election. That measure preserves*  
8 *Pajaro Valley farmland, creates an urban limit line that the City*  
9 *of Watsonville can grow into over the next 25 years, and provides*  
10 *an opportunity for new housing and new jobs within that urban*  
11 *limit line while protecting the local environment.*

12 (e) *Measure U, which establishes a 25-year urban growth*  
13 *boundary, was approved in 2002 by the voters of the City of*  
14 *Watsonville in order to protect the environment and provide*  
15 *open-space opportunities in Santa Cruz County. To be consistent*  
16 *with the goals of Measure U, any acquisition of property within*  
17 *the 25-year urban growth boundary by an open-space district*  
18 *created pursuant to this act is subject to approval by the City*  
19 *Council of the City of Watsonville.*

20 **SECTION 1.**

21 *SEC. 2.* Section 5506.14 is added to the Public Resources Code,  
22 to read:

23 5506.14. (a) If the exterior boundaries of a proposed district  
24 are coterminous with the exterior boundaries of the County of  
25 Santa Cruz, except for territory within the boundaries of the  
26 Midpeninsula Regional Open Space District on the effective date  
27 of this act, proceedings for formation of a district in the County  
28 of Santa Cruz may be initiated by resolution of the county board  
29 of supervisors, adopted after a hearing noticed in accordance with  
30 Section 6064 of the Government Code, in lieu of the petition and  
31 related proceedings specified in this article.

32 (b) The resolution shall do all of the following:

33 (1) Name the proposed district and state the reasons for forming  
34 it.

35 (2) Describe the methods by which the district will be financed.

36 (3) Specify that the proposed district shall be governed by a  
37 board of five directors who shall be elected in accordance with  
38 this article and, notwithstanding Section 5515, specify that the  
39 boundaries of the five wards or subdistricts shall be drawn  
40 according to the boundaries of supervisorial districts, except for

1 territory within the boundaries of the Midpeninsula Regional Open  
2 Space District on January 1, 2010.

3 (4) Specify that the proposed district shall not have, and may  
4 not exercise, the power of eminent domain pursuant to Section  
5 5542, or any other provision of law unless requested by the owner  
6 of the land.

7 (5) Call and give notice of an election to be held in the proposed  
8 district pursuant to subdivision (b) of Section 5514. Formation of  
9 the district is not subject to the Cortese-Knox-Hertzberg Local  
10 Government Reorganization Act of 2000 (Division 3 (commencing  
11 with Section 56000) of Title 5 of the Government Code).

12 (6) Include any other matters necessary to the formation of the  
13 district.

14 (c) Notwithstanding Section 5518, the county counsel of the  
15 County of Santa Cruz may prepare the language in the ballot label  
16 for the election to be held pursuant to paragraph (5) of subdivision  
17 (b).

18 *(d) (1) The district formed pursuant to this section shall*  
19 *establish a citizen advisory committee to provide broad-based*  
20 *citizen input into the operation of the district, and advice and*  
21 *recommendations on certain policy and program questions and*  
22 *issues, including expenditure plans and acquisition programs. The*  
23 *committee shall render advice and make recommendations to the*  
24 *board of directors on those matters.*

25 *(2) (A) The committee is composed of nine members, and, except*  
26 *as provided in clauses (i) and (ii), shall be appointed by the board*  
27 *of directors as follows:*

28 *(i) One supervisor appointed by the board of supervisors of the*  
29 *county, or his or her designee.*

30 *(ii) One city council member representing each city in the county*  
31 *appointed by the city council of the city represented, or his or her*  
32 *designee.*

33 *(iii) One member representing the district's agricultural*  
34 *interests.*

35 *(iv) One member representing the district's environmental*  
36 *community.*

37 *(v) One member representing the district's real estate interests.*

38 *(vi) One member representing the district's business community.*

39 *(B) Prior to the appointment of committee members specified*  
40 *in clauses (iii) to (vi), inclusive, of subparagraph (A), the board*

1 of directors shall solicit from the community three or more  
2 nominations for each of those positions.

3 (3) (A) The board of directors shall respond, in writing, to  
4 approved committee recommendations on matters relating to  
5 expenditure plans and acquisition programs.

6 (B) Before acting upon a proposed action relating to expenditure  
7 plans and acquisition programs, the board of directors shall  
8 consider recommendations from the committee and shall have  
9 responded to the committee recommendations pursuant to  
10 subparagraph (A).

11 (4) The board of directors shall adopt rules of procedure for  
12 the committee and establish responsibilities for the committee and  
13 its members.

14 (5) The committee shall conduct its meetings in accordance  
15 with the Ralph M. Brown Act (Chapter 9 (commencing with Section  
16 54950) of Division 2 of Title 5 of the Government Code).

17 (6) Members of the committee shall be subject to the Political  
18 Reform Act of 1974 (Title 9 (commencing with Section 81000) of  
19 the Government Code).

20 (7) A quorum shall consist of seven members of the committee,  
21 and an action shall not be taken without the concurrence of at  
22 least a majority of the total committee membership.

23 (e) Acquisition by the district of property within the 25-year  
24 urban growth area boundary established by Measure U, known  
25 as the Orderly Growth and Agricultural Protection Initiative, as  
26 approved by the voters in the November 5, 2002, general election,  
27 is subject to approval by the City Council of the City of  
28 Watsonville.

29 ~~SEC. 2.~~

30 SEC. 3. Section 5514 of the Public Resources Code is amended  
31 to read:

32 5514. (a) The board of supervisors of the county having the  
33 largest area within the proposed district shall, if the petition, after  
34 the hearing, has been approved, in whole or in part, have  
35 jurisdiction to proceed further with the calling of an election within  
36 the boundaries of the proposed district as described in the resolution  
37 passed at the conclusion of the hearing, and shall, either as a part  
38 of the same resolution or by a later resolution, call an election  
39 within the proposed district for the purpose of determining whether  
40 the district shall be created and established and, if necessary, for

1 the purpose of electing the first board of directors therefor in case  
2 the district is created.

3 (b) In a district proposed to be formed pursuant to Section  
4 5506.5, 5506.11, 5506.12, or 5506.14, the resolution calling the  
5 election may provide for a single ballot measure or separate ballot  
6 measures on the question of formation, establishment of an  
7 appropriations limit authorized by Section 4 of Article XIII B of  
8 the California Constitution, the authority to tax pursuant to Section  
9 5566, and the authority to sell bonds pursuant to Section 5568, or  
10 any combination of those questions.