

## BILL ANALYSIS

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SENATE THIRD READING  
SB 211 (Simitian)  
As Amended July 1, 2009  
Majority vote

SENATE VOTE :31-4

LOCAL GOVERNMENT 5-2

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|Ayes:|Caballero, Arambula, | | |
|      |Davis,                | | |
|      |De La Torre, Skinner  | | |
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|Nays:|Knight, Duvall        | | |
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SUMMARY : Authorizes the Santa Cruz County Board of Supervisors (County Supervisors) to initiate the formation of a regional park and open-space district (district) with boundaries that are coterminous with Santa Cruz County (County), except for specified territory and prescribes specific requirements for said district. Specifically, this bill :

- 1) Authorizes the County Supervisors to initiate the formation of the district with boundaries that are coterminous with the County, except for territory within the Midpeninsula Regional Open Space District.
- 2) Authorizes the County Supervisors to hold a public hearing, adopt a resolution, and call the election in lieu of the usual petitions and local agency formation commission (LAFCO) hearings and decisions.
- 3) Requires the County Supervisor's resolution to do all of the following:
  - a) Name the proposed district and state the reasons for forming it;
  - b) Describe the methods by which the district will be financed;

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- c) Specify that the proposed district shall be governed by a board of five directors (board);
  - d) Specify that the boundaries of the five wards or subdistricts shall be drawn according to the boundaries of supervisorial districts, except for territory within the boundaries of the Midpeninsula Regional Open Space District on January 1, 2010;
  - e) Specify that the proposed district shall not have, and may not exercise, the power of eminent domain unless requested by the owner of the land;
  - f) Call the formation election; and,
  - g) Include any other matters necessary to the formation of the district.
- 4) Specifies that the formation of the district is not subject to LAFCO formation proceedings.
  - 5) Requires the district to establish a citizen advisory committee (committee) to provide broad-based citizen input into the operation of the district, and advice and recommendations on certain policy and program questions and issues, including expenditure plans and acquisition programs.
  - 6) Requires the committee to render advice and make recommendations to the board on those matters.
  - 7) Specifies that the committee shall be composed of nine members as follows:
    - a) One supervisor appointed by the board of supervisors of the County, or his or her designee;

- b) One city council member representing each city in the County appointed by the city council of the city represented, or his or her designee;
- c) One member representing the district's agricultural interests appointed by the board;

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- d) One member representing the district's environmental community appointed by the board;
  - e) One member representing the district's real estate interests appointed by the board; and,
  - f) One member representing the district's business community appointed by the board.
- 8) States that prior to the appointment of the committee members representing the community's agricultural, environmental, real estate, or business interests, the board shall solicit from the community three or more nominations for each of those positions.
  - 9) Requires the board to respond, in writing, to approved committee recommendations on matters relating to expenditure plans and acquisition programs.
  - 10) Requires the board, before acting upon a proposed action relating to expenditure plans and acquisition programs, to consider recommendations from the committee and respond in writing to the committee recommendations.
  - 11) Requires the board to adopt rules of procedure for the committee and establish responsibilities for the committee and its members.
  - 12) Requires the committee to conduct its meetings in accordance with the Ralph M. Brown Act.
  - 13) Specifies that the members of the committee are subject to the Political Reform Act of 1974.
  - 14) States that a quorum shall consist of seven members of the committee.
  - 15) Specifies that an action shall not be taken without the concurrence of at least a majority of the total committee membership.
  - 16) Specifies that acquisition by the district of property within the 25-year urban growth area boundary established by Measure U, known as the Orderly Growth and Agricultural Protection

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Initiative, as approved by the voters in the November 5, 2002, general election, is subject to approval by the City Council of the City of Watsonville.

- 17) Adds findings and declarations regarding the community effort in the creation of a 25-year urban growth area for the City of Watsonville established under Measure U and the need to allow the City of Watsonville to approve any land purchase in that area.

EXISTING LAW :

- 1) Authorizes the formation of an open-space district by a petition requesting the creation and maintenance of an open-space district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the open-space district, and presented to the board of supervisors of the county containing the largest area within the proposed district.
- 2) 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.

- 3) Allows regional park and open-space districts to sell bonds to acquire property by purchase or eminent domain.
- 4) Authorizes regional park and open-space districts to use the following types of funding mechanisms:
- a) General obligation bonds paid for by higher property tax rates that require a two-thirds voter approval;
  - b) Mello-Roos Act bonds paid for by special taxes (parcel taxes) that require a two-thirds voter approval; and,
  - c) Assessment bonds paid for by benefit assessments that require the property owners' approval with weighted-ballots.

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FISCAL EFFECT : None

COMMENTS : In Santa Cruz County, four independent recreation and park districts and a county-run county service area provide park services in the unincorporated communities outside the County's four cities. Although mostly in San Mateo and Santa Clara counties, the Midpeninsula Regional Open Space District also overlaps a small corner of Santa Cruz County. Open space advocates in Santa Cruz County want to form a countywide regional open-space district with a directly-elected board of directors. Looking to the statutory precedents created for other counties, they want permission to expedite the proposed district's formation.

The Legislature has delegated its inherent power to control local boundaries to the 58 LAFCOs; directing the LAFCOs to discourage urban sprawl, preserve open space and agricultural lands, provide efficient government services, and encourage orderly government while considering local conditions and circumstances. The Legislature has waived LAFCOs' control over some districts' boundaries, particularly when they are coterminous with the boundaries of a single county. SB 211 exempts the formation of the proposed Santa Cruz regional open-space district from LAFCO's review. However, the proposed district would not be coterminous with the County's boundaries because the bill slices off the 765 acres that are already within the Midpeninsula Regional Open Space District's boundaries. The Midpeninsula District also owns the 800-acre Loma Prieta Ranch in Santa Cruz County, although that property is not yet within the District's existing boundaries. These detailed boundary questions may deserve the Santa Cruz LAFCO's careful review. The Legislature may wish to ask why there is a need to circumvent the LAFCO process. The Legislature may wish to consider that if the district's formation is not going to go through the full LAFCO process, perhaps it should require the Santa Cruz LAFCO to hold at least one public hearing on the issue prior to taking the formation proceedings to the voters.

The regional park and open-space district law is the principal act for agencies such as the East Bay Regional Parks District and the Midpeninsula Regional Open Space District. Starting in 1972, 10 special bills have allowed county supervisors to start formation proceedings for regional open-space districts without the sponsors having to gather more than 5,000 signatures on

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petitions: Los Angeles - SB 659 (Hill, 1991); Marin - AB 2353 (Bagley, 1972); Napa - SB 1306 (Thompson, 1992); Riverside - SB 486 (Bergeson, 1989); Sacramento - SB 779 (Johnston, 1993); San Bernardino - AB 775 (Eaves, 1990); Santa Barbara - AB 1613 (Lempert, 2000); Sonoma - AB 3630 (Filante, 1990); and, Ventura - AB 1145 (Jackson, 2002). However, even after getting authorization, five of these districts were never actually formed at the local level.

In May 1998, members of the Pajaro Valley community (which is in South Santa Cruz County) came together to begin a visioning process about the future of the valley. This broad-based group

of residents, business, agricultural, environmental, and government agency representatives created the non-profit group, Action Pajaro Valley, in 1999. The group developed a constructive collaborative process for planning and creating a positive future for all residents of the Pajaro Valley. One result of this process is a growth management strategy, which incorporates a unified set of land use policies for the Pajaro Valley as a consolidated ecological region. These areas include the City of Watsonville, Green Valley Area, and the Town of Pajaro. These policies balance the valley's economic interests, environmental resources, and socioeconomic needs for the next 20-30 years. In the November 2002 election, City of Watsonville residents passed Measure U, also known as the Orderly Growth and Agricultural Protection Initiative. This ballot initiative established an Urban Growth Area for the City of Watsonville intending to: preserve Pajaro Valley farmland, create an urban growth boundary that the City of Watsonville can grow into over the next 20-25 years, protect the local environment, supply new jobs in the City of Watsonville, and provide the opportunity for new housing units. Consistent with the vision of Measure U and the citizens of Pajaro Valley, this bill requires that if the district proposes to purchase any open-space land within the 25-year growth boundary established by Measure U then the City of Watsonville must approve this action.

In keeping with the spirit of a community wide planning process, this bill establishes a citizen advisory committee to provide broad-based citizen input into the operation of the district, and advice and recommendations on certain policy and program questions and issues, including expenditure plans and acquisition programs. This committee will be made up of a council member from each city in the county, one supervisor from

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the board of supervisors, and individuals representing the community's agricultural, environmental, real estate, and business interest.

In its opposed unless amended letter, the City of Watsonville writes "we are encouraged to see the language creating an advisory committee and the protection of Measure U lands. [However], the composition of the advisory committee continues to be of concern to us. Representation for the Pajaro Valley is critical, especially since so much of the agricultural lands and much of the open space is located in this area. At this time, given the proposed make up of the advisory committee, the Pajaro Valley may be represented by only one seat of the nine on the committee. The current language of SB 211 does not require that any of the four stakeholders be from South County."

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