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SB-365 Regional park and open-space districts: County of Solano. (2017-2018)

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Senate Bill No. 365

CHAPTER 216

An act to add Section 5506.13 to the Public Resources Code, relating to parks.

[Approved by Governor September 01, 2017. Filed with Secretary of State September 01, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 365, Dodd. Regional park and open-space districts: County of Solano.

Existing law authorizes proceedings for the formation of a regional park and open-space or regional open-space district in specified counties in 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.

This bill, in addition, would authorize the formation of a regional district in the County of Solano to be initiated by resolution of the county board of supervisors after a noticed hearing. The bill would specify the contents of the resolution, including a requirement that the resolution call an election, as prescribed.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) There is increasing interest in preserving the natural and open-space areas of the County of Solano and in creating opportunities for public access to these areas for hiking and other recreational activities.

(b) Formation of a regional park and open-space district or regional open-space district in the County of Solano is critically needed to help address the unresolved needs in the Solano County area with respect to the preservation of open-space and natural areas and the enhancement of regional parks and recreation facilities, including regional trail connections to the greater San Francisco Bay area.

SEC. 2. Section 5506.13 is added to the Public Resources Code, to read:

5506.13. (a) A proceeding for the formation of a regional district in the County of Solano may be initiated by resolution of the Board of Supervisors of the County of Solano, adopted after a hearing noticed in accordance with Section 6064 of the Government Code, in lieu of the petition and related proceedings specified in this article.

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

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

(2) Specify that the Board of Supervisors of the County of Solano shall act, ex officio, as the governing body for the regional district, except as provided in paragraph (8). The provisions of this article pertaining to district directors do not apply, and all powers and authority of the regional district shall be vested in the board of supervisors in its capacity as the governing body of the regional district, unless a separate board is elected pursuant to paragraph (8).

(3) Describe the territory to be included in the regional district.

(4) Describe the sources of funding that may be made available by the County of Solano upon formation of the regional district and describe any other methods by which the regional district will be financed.

(5) Specify that the district shall not have, and may not exercise, the power of eminent domain pursuant to Section 5542 or any other law.

(6) (A) Call and give notice of an election to be held in the proposed regional district for the purpose of determining whether the regional district shall be formed. The election shall be consolidated with a statewide election or any election conducted throughout the County of Solano.

(B) Notwithstanding Section 5518, the County Counsel of the County of Solano shall prepare the language in the ballot label. The proposition shall specify the matters set forth in the resolution, except for subparagraph (A). The analysis and review of the measure shall be carried out pursuant to Section 9160 of the Elections Code.

(7) Include any other matters necessary to the formation of the proposed regional district.

(8) Specify all of the following:

(A) No sooner than 10 years after formation of the regional district, the directors may, after holding a hearing, adopt a resolution placing the question of having an elected board of directors pursuant to Section 5527 on the ballot. Notice of the hearing on the resolution, specifying the time and place, shall be published at least once in a newspaper of general circulation in the district.

(B) If a majority of the voters voting upon the question are in favor, the regional district shall have an elected board of directors, with boundaries of the proposed wards or subdistricts being drawn pursuant to Section 5515. At the election, the voters shall also elect members to the regional district's board of directors. Those persons shall take office only if a majority of the voters voting upon the question of having an elected board of directors are in favor of the question.

(C) If the question is submitted to the voters at a general district election, the notice required by Section 12112 of the Elections Code shall contain a statement of the question to appear on the ballot. If the question is submitted to the voters at a special election, the notice of election and ballot shall contain a statement of the question.

(c) The resolution calling the election may provide for a single ballot measure or separate ballot measures on the question of the formation, the establishment of an appropriations limit authorized by Section 4 of Article XIII B of the California Constitution, the authority to tax pursuant to Section 5566, and the authority to sell bonds pursuant to Section 5568, or any combination of those questions.

(d) (1) The formation of the regional district is not subject to Section 5517.1 or to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

(2) The district shall be formed if a majority of voters voting on the proposition vote in favor of formation of the regional district.

(e) If the regional district is created and established in the County of Solano, officers and employees of the County of Solano may act, ex officio or under contract, as officers and employees of the regional district and may discharge the authority and responsibility specified in the article.

(f) The County of Solano may provide the services and facilities needed to carry out the functions of the district. Proceeds of taxes levied by the district pursuant to Section 5566 may be used to reimburse the County of Solano for the actual costs of these services and facilities.