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AB-559 San Joaquin River Conservancy: governing board. (2021-2022)

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Assembly Bill No. 559

CHAPTER 171

An act to amend Sections 32504, 32515, and 32516 of, and to repeal and add Section 32519 of, the Public Resources Code, relating to resource conservation.

[Approved by Governor September 16, 2021. Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 559, Arambula. San Joaquin River Conservancy: governing board.

Existing law establishes the San Joaquin River Conservancy in the Natural Resources Agency to acquire and manage public lands within the San Joaquin River Parkway, which consists of the San Joaquin River and specified lands on both sides of the San Joaquin River. Existing law requires that the governing board of the conservancy consist of 15 voting members, as prescribed, including, among others, the Chairpersons of the Board of Directors of the Fresno Metropolitan Flood Control District and the Madera Irrigation District, or their designees, and one resident of Fresno County and one resident of Madera County appointed by the Governor from a list of candidates provided by the boards of supervisors of these counties, respectively. Existing law requires the boards of supervisors of these counties to develop their lists from a list submitted by environmental organizations and property owners of their counties pursuant to a rotating appointment qualification requirement, as specified. Existing law requires the office of the chairperson of the governing board of the conservancy to rotate every 2 years among the Mayor or designated council member of the City of Fresno, the member of the Board of Supervisors of Madera County, and the member of the Board of Supervisors of Fresno County. Existing law subjects the meetings of the governing board of the conservancy to the Ralph M. Brown Act.

This bill instead would require the governing board of the conservancy to consist of 16 voting members, including one new member of a California Native American tribe appointed by the Governor from a list submitted by local tribal organizations and one new youth member appointed by the Governor from lists submitted by youth-serving nonprofit organizations that have a presence within, or by institutions of higher education within, Fresno County or Madera County, who is a resident of Fresno County or Madera County and 18 to 26 years of age, inclusive, and is not an elected official. The bill would instead require the Chairpersons of the Board of Directors of the Fresno Metropolitan Flood Control District and the Madera Irrigation District to rotate appointments, with each chairperson serving for one 2-year term before rotating to the other chairperson. The bill instead would require the resident of Fresno County to be appointed by the Senate Committee on Rules and the resident of Madera County to be appointed by the Speaker of the Assembly from a list of 2 or more individuals provided by the Boards of Supervisors of Fresno and Madera County, respectively, developed from a list submitted by nonprofit organizations that have a presence within their counties, respectively, and that support outdoor recreation, conservation, environmental justice, or social justice issues. The bill instead would require the voting members of the governing board of the conservancy to annually elect from among the voting members of the board a chairperson and a vice chairperson, as provided, and would prohibit a person from serving as chairperson for more than 2 consecutive terms. The bill instead would subject the meetings of the governing board of

the conservancy to the Bagley-Keene Open Meeting Act. To the extent this bill would impose new duties on the Boards of Supervisors of Fresno and Madera County, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. Section 32504 of the Public Resources Code is amended to read:

32504. As used in this division:

- (a) "Board" means the governing board of the San Joaquin River Conservancy.
- (b) "Conservancy" means the San Joaquin River Conservancy.
- (c) "Member agencies" means the City of Fresno and Counties of Fresno and Madera.
- (d) "Nonprofit organization" means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.
- (e) "Parkway" means the San Joaquin River Parkway, as described in Section 32510.
- (f) "Tribal organization" means an Indian tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is one or both of the following:
 - (1) Recognized by the United States Secretary of the Interior and identified within the most current Federal Register.
 - (2) Listed on the contact list maintained by the Native American Heritage Commission as a California Native American tribe.

SEC. 2. Section 32515 of the Public Resources Code is amended to read:

32515. (a) The governing board of the conservancy shall consist of 16 voting members.

(b) The 16 voting members of the board shall consist of the following:

- (1) One member of the Board of Supervisors of Fresno County appointed by a majority of the members of that board. A majority of the members of the Board of Supervisors of Fresno County may appoint an alternate member from that board.
- (2) The Mayor of the City of Fresno or a member of the Fresno City Council designated by the Mayor of the City of Fresno. The Mayor of the City of Fresno may designate an alternate member from the Fresno City Council.
- (3) One member of the Board of Supervisors of Madera County appointed by a majority of the members of that board. A majority of the members of the Board of Supervisors of Madera County may appoint an alternate from that board.
- (4) The Mayor of the City of Madera or a member of the Madera City Council designated by the Mayor of the City of Madera. The Mayor of the City of Madera may designate an alternate member from the Madera City Council.
- (5) (A) The Chairperson of the Board of Directors of the Fresno Metropolitan Flood Control District or the Chairperson of the Board of Directors of the Madera Irrigation District.
 - (B) The Chairpersons of the Fresno Metropolitan Flood Control District and the Madera Irrigation District shall rotate appointments, with each chairperson serving for one term before rotating to the other chairperson. Notwithstanding Section 32517, each chairperson shall serve two-year terms.
 - (C) Each chairperson may appoint a designee to the board.
- (6) Three public members, one of whom shall be a resident of Fresno County, one of whom shall be a resident of Madera County, and one of whom shall be a resident of the City of Fresno. The members shall be appointed according to all of the following procedures:

- (A) The Senate Committee on Rules shall appoint the resident of Fresno County from a list of candidates that includes two or more individuals provided by the Board of Supervisors of Fresno County. The board of supervisors shall develop its list

from a list submitted by nonprofit organizations that have a presence within that county and support outdoor recreation, conservation, environmental justice, or social justice issues. The board of supervisors shall have one year from the end of a term or the creation of a vacancy to submit the list to the Senate Committee on Rules. If the board of supervisors does not submit the list within that time, the Senate Committee on Rules may appoint a resident of Fresno County nominated by nonprofit organizations that have a presence within Fresno County and support outdoor recreation, conservation, environmental justice, or social justice issues.

(B) The Speaker of the Assembly shall appoint the resident of Madera County from a list of candidates that includes two or more individuals provided by the Board of Supervisors of Madera County. The board of supervisors shall develop its list from a list submitted by nonprofit organizations that have a presence within that county and support outdoor recreation, conservation, environmental justice, or social justice issues. The board of supervisors shall have one year from the end of a term or the creation of a vacancy to submit the list to the Speaker of the Assembly. If the board of supervisors does not submit the list within that time, the Speaker of the Assembly may appoint a resident of Madera County nominated by nonprofit organizations that have a presence within Madera County and support outdoor recreation, conservation, environmental justice, or social justice issues.

(C) The Governor shall appoint the resident of the City of Fresno from a list of candidates submitted by the Fresno City Council.

(7) One member of a California Native American tribe appointed by the Governor from a list of candidates submitted by local tribal organizations.

(8) (A) One youth member appointed by the Governor from lists submitted by either of the following:

(i) Youth-serving nonprofit organizations that have a presence within Fresno County or Madera County.

(ii) Institutions of higher education within Fresno County or Madera County.

(B) The youth member shall be a resident of Fresno County or Madera County and 18 to 26 years of age, inclusive, and shall not be an elected official.

(9) The Executive Director of the Wildlife Conservation Board or a member of the executive director's staff designated by the executive director.

(10) The Secretary of the Natural Resources Agency or a member of the secretary's staff designated by the secretary.

(11) The Director of Fish and Wildlife or a member of the director's staff designated by the director.

(12) The Director of Parks and Recreation or a member of the director's staff designated by the director.

(13) The Director of Finance or a member of the director's staff designated by the director.

(14) The Executive Officer of the State Lands Commission or a member of the executive officer's staff designated by the executive officer.

SEC. 3. Section 32516 of the Public Resources Code is amended to read:

32516. A quorum shall constitute a majority of the voting members of the board. Meetings of the governing board shall be subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 4. Section 32519 of the Public Resources Code is repealed.

SEC. 5. Section 32519 is added to the Public Resources Code, to read:

32519. The voting members of the board shall annually elect from among the voting members a chairperson and a vice chairperson. If the office of the chairperson or vice chairperson becomes vacant, a new chairperson or vice chairperson shall be elected by the voting members of the board to serve for the remainder of the term. A person shall not serve as chairperson for more than two consecutive terms.

SEC. 6. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.