



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-769 Regional park and open-space districts. (2025-2026)

SHARE THIS:  

Date Published: 10/02/2025 09:00 PM

Assembly Bill No. 769

CHAPTER 166

An act to amend Sections 5500, 5538, 5540, 5540.5, 5549, 5563.5, and 5564 of, and to repeal Sections 5545.5, 5558.1, and 5563.7 of, the Public Resources Code, relating to parks.

[Approved by Governor October 01, 2025. Filed with Secretary of State October 01, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 769, Wilson. Regional park and open-space districts.

Existing law 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.

Existing law 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, as provided.

This bill would consolidate and modify roles and compensation of board-appointed officers, as specified.

Existing law 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.

This bill would require, for the conveyance described above to occur, the consent of the district's voters voting at a special election when the lease of the land exceeds 50 years.

Existing law 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. Existing law 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.

This bill would instead authorize the exchange of park or open-space land by a $\frac{2}{3}$ vote of the board, and would authorize the East Bay Regional Park District when a compatible and comparable exchange is not feasible, to accept compensation in an exchange with a public agency, provided that compensation is used to purchase park and open-space land. The bill would authorize the above-listed districts to exchange up to 80 acres of district-owned land in a calendar year.

This bill would make other changes related to park and open-space districts, including, among others, repealing specified authorizations and requirements regarding the East Bay Regional Park District.

Existing law generally 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. Existing law 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 would authorize a general manager of a district with a population of 200,000 or more, with the approval of the board, to 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, as provided.

This bill would make legislative findings and declarations as to the necessity of a special statute for the East Bay Regional Park District.

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

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

SECTION 1. Section 5500 of the Public Resources Code is amended to read:

5500. As used in this article, the following definitions apply:

(a) "District" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to this article.

(b) "He" or "he or she" means they.

(c) "Him" or "him or her" means them.

(d) "His" or "his or her" means their.

SEC. 2. Section 5538 of the Public Resources Code is amended to read:

5538. (a) The board shall appoint a general manager, who shall be the chief administrative officer of the district. For appointed roles, the board shall fix their compensation and duties. These appointees shall hold office at the pleasure of the board and shall issue bonds in amounts as the board may require. The board may consolidate appointed offices in one person. The board may also provide for an assistant to any officer of the district, who, when appointed by the board, may perform any act that the assistant's principal may perform, when authorized to do so by the board.

(b) The board may from time to time contract for or employ any professional services required by the district, or by the board, or by any officers of the district.

SEC. 3. Section 5540 of the Public Resources Code is amended to read:

5540. (a) A district may take by grant, appropriation, purchase, gift, devise, condemnation, or lease, and may hold, use, enjoy, and lease or dispose of real and personal property of every kind, and rights in real and personal property, within or without the district, necessary to the full exercise of its powers.

(b) Lands subject to the grant of an open-space easement executed and accepted by the district in accordance with this article are enforceably restricted within the meaning of Section 8 of Article XIII of the California Constitution. An easement or other interest in real property may be dedicated for park or open-space purposes, or both, by the adoption of a resolution by the board of directors, and any interest so dedicated may be conveyed only as provided in this section.

(c) A district shall not validly convey any interest in any real property actually dedicated and used for park or open-space purposes, or both, without the consent of a majority of the voters of the district voting at a special election called by the board and held for that purpose. Consent does not need to be obtained for a lease of any real property for a period not exceeding 50 years; and consent does not need to be obtained for a conveyance of any real property if the Legislature, by concurrent resolution, authorizes a conveyance after a resolution of intention has been adopted by at least a two-thirds vote of the board of directors of the district, specifically describing the property to be conveyed.

SEC. 4. Section 5540.5 of the Public Resources Code is amended to read:

5540.5. (a) Notwithstanding Section 5540, a district, with the approval by a two-thirds vote of the members of its board of directors, may exchange real property or an interest in real property dedicated and used for park or open-space purposes, or both park and open-space purposes, for real property or an interest in real property that the board of directors determines to be of equal or greater value and necessary to be acquired for park or open-space purposes, or both park and open-space purposes.

(b) If a proposed exchange of real property or an interest in real property pursuant to subdivision (a) 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 purposes under subdivision (a), the East Bay Regional Park District may accept monetary compensation concluded by a highest and best market value determined and documented by a certified, licensed appraiser. The acceptance of monetary compensation under this subdivision is only permissible when the real property or interest in real property exchange is with another public agency. Monetary compensation accepted pursuant to this subdivision shall be used to purchase real property or an interest in real property for park and open-space purposes.

(c) A district shall not in a calendar year exchange more than 10 acres of district-owned real property or an interest in real property pursuant to this section for other real property or an interest in real property, and the real property or interest in real property acquired by the district shall be adjacent to other real property owned by the district.

(d) Notwithstanding subdivision (c), the East Bay Regional Park District, the Midpeninsula Regional Open Space District, and the Sonoma County Agricultural Preservation and Open Space District may exchange up to a maximum of 80 acres of district-owned real property or an interest in real property in a calendar year pursuant to this section for other real property or an interest in real property, and real property or an interest in real property acquired pursuant to this section by the district shall be adjacent to other real property owned by the district.

SEC. 5. Section 5545.5 of the Public Resources Code is repealed.

SEC. 6. Section 5549 of the Public Resources Code is amended to read:

5549. (a) The general manager has the following administrative and executive functions, powers, and duties. The general manager shall do all of the following:

(1) Enforce this article and all ordinances and regulations of the district.

(2) Appoint and remove subordinates, clerks, and other employees, and exercise supervision and control over all departments and offices of the district, subject to the personnel rules, civil service or merit system, and policies adopted by the board.

(3) Attend all meetings of the board unless excused by the board.

(4) Submit to the board for adoption any measures, ordinances, and regulations the general manager deems necessary or expedient.

(5) Enforce all terms and conditions imposed in favor of the district or its inhabitants in any contract and report any violations to the board or the police department, as appropriate.

(6) Prepare and submit the annual budget to the board and perform all other duties imposed by this article or by the board.

(b) (1) 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, and without advertising, for the payment for supplies, materials, labor, or other valuable consideration for any purpose, including new construction of a building, structure, or improvement, in amounts not exceeding fifty thousand dollars (\$50,000). All expenditures shall be reported to the board of directors at its next regular meeting.

(2) A district may, by action of the board in an open meeting, increase the amount by which the general manager may bind the district above the fifty-thousand-dollar (\$50,000) limit established in paragraph (1). An increase made pursuant to this paragraph shall not exceed an amount equal to 2 percent, for each fiscal year following the operative date of the last adjustment, of the amount in effect when the board's action is adopted.

(c) (1) Notwithstanding subdivision (b), in a 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 one hundred fifty thousand dollars (\$150,000).

(2) This subdivision 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, in an amount not exceeding one hundred fifty thousand dollars (\$150,000), that are customarily or historically performed by district employees.

SEC. 7. Section 5558.1 of the Public Resources Code is repealed.

SEC. 8. Section 5563.5 of the Public Resources Code is amended to read:

5563.5. Notwithstanding Sections 5540 and 5563, the Board of Directors of the Midpeninsula Regional Open Space District may, and the Board of Directors of the East Bay Regional Park District may, without obtaining the consent of the voters, lease real property for a term not exceeding 99 years. A lease entered into pursuant to this section shall be authorized by a resolution adopted by the affirmative votes of at least two-thirds of the members of the board, upon making an express finding that the purpose of the lease is for park or open-space purposes, or for an historic preservation, recreation, climate-resiliency, social equity, or agricultural purpose that is compatible with public use and enjoyment of the real property.

SEC. 9. Section 5563.7 of the Public Resources Code is repealed.

SEC. 10. Section 5564 of the Public Resources Code is amended to read:

5564. (a) If it is necessary or advisable to acquire or construct any works, structures, or embankments, including nature-based and built, in order to protect the property of the district from damage by flood or storm waters, the board may acquire or construct those works, structures, or embankments.

(b) If the works, structures, or embankments are necessary or advisable not only to protect the property of the district, but other property not owned by the district as well, the board may enter into contracts with any flood control district or other municipal or public corporation, and may grant rights of way, for such periods of time as it shall determine, over the property of the district to such flood control district or other municipal or public corporation, whereby the flood control district or other municipal or public corporation may be permitted to construct such works, structures, or embankments.

SEC. 11. In regard to Section 4, of this act, the Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances concerning the East Bay Regional Park District's exchange of real property or interests in real property for park and open-space purposes.