



Solano Local Agency Formation Commission

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Date: Commission Meeting of March 21, 2017

To: Commissioners and Alternates

From: Roseanne Chamberlain, Executive Officer

Subject: Position on SB 365 Dodd (Formation of Open Space District)

RECOMMENDATION

The Executive Officer recommends the Commission adopt Resolution #2017-04 (attached), taking a position on SB 365 and making the following Determinations:

- The state's interest in preserving open space is implemented by the formation of a region open space district in Solano County.
- While the best vehicle for such a formation is through the existing enabling acts and LAFCo proceedings for formation, SB 365, if chaptered, will accomplish a significant beneficial public purpose and is not opposed by Solano LAFCo.
- Changes and amendments are needed to Public Resources Code Sections 5500-5595 to establish consistency with the Cortese-Knox-Hertzberg Act and related statutes. SB 365 could be a vehicle for accomplishing these needed changes.

The position wording is detailed in the last section of this memo.

BACKGROUND:

Solano County desires to form a regional (Open Space) OS district to preserve, protect and manage open space resources within the county. Special legislation, SB 365 (Dodd), was introduced February 14th, giving Solano County special status to form the district without LAFCO review, instead of forming the district locally under an existing enabling act, such as Public Resources Code Sections 5500-5595.

Commissioners

Harry Price, Vice-Chair • Pete Sanchez • Jim Spering • John Vasquez

Alternate Commissioners

Len Augustine • Nancy Shopay, Chair • Skip Thomson

Staff

Roseanne Chamberlain, Interim Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel

CALAFCO asks Solano LAFCO to take a position on the bill; they will consider our position and decide a CALAFCO position on March 24, 2017.

DISCUSSION:

A regional or county-wide open space district is consistent with the state’s interest in preserving open space. A regional or county-wide open space district will contribute to the protection and management of open space resources in the county and will potentially provide public benefit to the citizens of Solano County and others.

However, since 1963, the state provides for local agency formation commissions to implement the state’s interest in open space preservation. Government Code 56001, the enabling statutes for LAFCo, states in part: “The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests of discouraging urban sprawl, preserving open-space and prime agricultural lands, and efficiently extending government services.”

The enabling act for Regional Park, Park and Open Space, and Open Space Districts under Public Resources Code Sections 5500-5595 is the logical enabling act, but it predates the creation of LAFCo, appears to be out of date, and could beneficially be modernized, overhauled and reorganized for consistency with the Cortese-Knox-Hertzberg Act and related statutes. The current statutes, for example, require the gathering of the signatures of at least 5000 voters in order to form such a district. At a minimum, these sections should allow for the initiation of proceedings by resolution of the Boards of Supervisors of all affected counties as an additional method of commencing such proceedings.

LAFCO has a wide range of authorities and powers to form districts under the existing enabling acts provided by the legislature for the formation of special districts. LAFCO authorities and powers are implemented by the commission to ensure the orderly organization of government services, including open space protection and management services, when needed. LAFCo is empowered to add conditions of approval to proposals for the formation of government agencies to ensure that the terms of formation are suitable to individual local circumstances.

Solano LAFCo legislative policies state that Solano LAFCo opposes formations of agencies through special legislation based on the following locally adopted legislative policy:

Commissioners

Harry Price, Vice-Chair • Pete Sanchez • Jim Spering • John Vasquez

Alternate Commissioners

Len Augustine • Nancy Shopay, Chair • Skip Thomson

Staff

Roseanne Chamberlain, Interim Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel

1. (1.5) Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.

The California Association of Local Agency Formation Commissions also opposes formations of agencies through special legislation based on the following adopted legislative policy:

- 1.5. Oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.

Solano LAFCO and CALAFCO would clearly oppose Senate Bill 365 (Dodd) under these adopted policies.

Considering that Senate Bill 365 (Dodd) has already been introduced by Solano County and there is a significant potential public benefit in establishing a regional open space district in Solano county, the Executive Officer recommends the Commission take the following positions on SB 365:

1. Solano LAFCo does not oppose SB 365, as introduced, but offers to work with the County and Senator Dodd to improve the bill.
2. Solano LAFCo requests CALAFCO to take a position to not oppose SB 365 as introduced and to work with Solano LAFCO, Solano County, and Senator Dodd to avoid having this bill create a precedent that encourages other counties to look to special legislation instead of using an improved LAFCO process for this purpose.
3. SB 365 should be amended to establish consistency between the relevant sections of the Public Resources Code with the Cortese-Knox-Hertzberg Act and related statutes. At a minimum, the bill should add wording to Public Resources Code Sections 5500-5595 to allow the initiation of LAFCo proceedings for regional park, park and open space, and open space districts under Public Resources Code Sections 5500-5595 by a resolution of a county Board of Supervisors for a single county open space district or by all the affected counties for a multi-county district.
4. In the event that the provisions of SB 365 authorizing the formation of a regional district in Solano County fail to be chaptered into law for any reason, the county is encouraged and urged to submit a proposal to Solano LAFCO for the formation of a county wide open space district under an alternate enabling act.

Attachments:

A - Draft Resolution 07-04

B – SB 365

C – Solano County Support and Sponsor

Commissioners

Harry Price, Vice-Chair • Pete Sanchez • Jim Spering • John Vasquez

Alternate Commissioners

Len Augustine • Nancy Shopay, Chair • Skip Thomson

Staff

Roseanne Chamberlain, Interim Executive Officer • Michelle McIntyre, Analyst • P. Scott Browne, Legal Counsel

RESOLUTION NO. 17-04

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
OF SOLANO TAKING A POSITION ON SB 365 (DODD)**

WHEREAS, Solano County desires to form a regional OS district to preserve, protect and manage open space resources within the county; and

WHEREAS, a regional or county-wide open space district is consistent with the state's interest in preserving open space; and

WHEREAS, a regional or county-wide open space district will contribute to the protection and management of open space resources in the county and will potentially provide public benefit to the citizens of Solano County and others; and

WHEREAS, since 1963, the state provides for Local Agency Formation Commissions to implement the state's interest in open space preservation; and,

WHEREAS, the enabling act for Regional Park, Park and Open Space, and Open Space Districts under Public Resources Code Sections 5500-5595 predates the creation of LAFCo, appears to be out of date, and could beneficially be modernized, overhauled and reorganized for consistency with the Cortese-Knox-Hertzberg Act and related statutes; and

WHEREAS, Senate Bill 365 (Dodd) was introduced on February 14, 2017 to form the proposed Solano County open space district by special statute instead of forming the district locally under an existing enabling act through LAFCo.

WHEREAS, Solano LAFCo and the California Association of LAFCOs oppose grants of special status to any individual agency or proposal to circumvent the LAFCo process.

NOW, THEREFORE, BE IT HEREBY RESOLVED, DETERMINED AND ORDERED as follows:

1. Solano Local Agency Formation Commission makes the following determinations regarding SB 365 (Dodd):
 - The state's interest in preserving open space is implemented by the formation of a region open space district in Solano County.
 - While the best vehicle for such a formation is through the existing enabling acts and LAFCo proceedings for formation, SB 365, if chaptered, will accomplish a significant beneficial public purpose and is not opposed by Solano LAFCo.

- Changes and amendments are needed to Public Resources Code Sections 5500-5595 to establish consistency with the Cortese-Knox-Hertzberg Act and related statutes. SB 365 should become a vehicle for accomplishing these needed changes.
- 2. Solano LAFCo does not oppose SB 365, as introduced. Solano LAFCo staff and legislation committee are directed to work with the County, the California Association of LAFCOs and Senator Dodd to amend and improve the bill.
- 3. Solano LAFCo requests CALAFCO to take a position to not oppose SB 365 as introduced and to work with Solano LAFCO, Solano County, and Senator Dodd to avoid having this bill create a precedent that encourages other counties to look to special legislation instead of using an improved LAFCO process for this purpose.
- 4. Solano LAFCo requests SB 365 be amended to establish consistency between the relevant sections of the Public Resources Code with the Cortese-Knox-Hertzberg Act and related statutes. At a minimum, the bill should add wording to Public Resources Code Sections 5500-5595 to allow the initiation of LAFCo proceedings for regional park, park and open space, and open space districts under Public Resources Code Sections 5500-5595 by a resolution of a county Board of Supervisors for a single county open space district or by all the affected counties for a multi-county district.
- 5. In the event that the provisions of SB 365 authorizing the formation of a regional district in Solano County fail to be chaptered into law for any reason, the county is encouraged and urged to submit a proposal to Solano LAFCO for the formation of a county wide open space district under an existing enabling act.

The foregoing resolution is adopted this 27th day of March 21, 2017 by the following vote

AYES:

NOES:

ABSENT:

ABSTAIN:

Nancy Shopay, Chair
Local Agency Formation Commission
County of Solano, State of California

ATTEST: _____

Michelle McIntyre, Clerk to the Commission



LEGISLATIVE INFORMATION

Item 7C

Attachment B

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

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Date Published: 02/14/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017-2018 REGULAR SESSION

SENATE BILL**No. 365**

Introduced by Senator Dodd
(Principal coauthor: Assembly Member Grayson)
(Coauthor: Assembly Member Frazier)

February 14, 2017

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

LEGISLATIVE COUNSEL'S DIGEST

SB 365, as introduced, 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 the calling of 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 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 formation, 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.

JOHN M. VASQUEZ
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BOARD OF SUPERVISORS



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March 14, 2017

The Honorable Bill Dodd
California State Senate
State Capitol, Room 5064
Sacramento, CA 95814

Re: SB 365 (Dodd) Regional park and open-space districts: County of Solano – Sponsor and Support

Dear Senator Dodd,

On behalf of the Solano County Board of Supervisors, I am pleased to write in sponsorship and support of your SB 365, which would authorize the formation of a regional district in Solano County.

Over the past decade, there has been increased interest in preserving the natural and open-space areas Solano County has to offer and in creating opportunities for public access to these areas for hiking and other recreational activities.

The formation of a regional park and open-space district or regional open-space district in Solano County 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.

Open-space, natural lands and regional parks provide social, community development, environmental, economic, and health benefits to a city and its residents. Strong evidence shows that when people have access to parks, they exercise more. Regular physical activity has been shown to increase health and reduce the risk of a wide range of diseases, including heart disease, hypertension, and diabetes. Physical activity also relieves symptoms of depression and anxiety, improves mood, and enhances psychological well-being. Furthermore, studies have shown that parks and open space increase the value of neighboring residential property. Growing evidence points to a similar benefit on commercial property value. The availability of park and recreation facilities is an important quality-of-life factor for corporations choosing where to locate facilities and for well-educated individuals choosing a place to live.

For all of these reasons, the Solano County Board of Supervisors is pleased to sponsor and support SB 365 and we look forward to working with you this year.

Sincerely,

A handwritten signature in black ink, appearing to read "John Vasquez", written over the word "Sincerely,".

John Vasquez, Chairman,
Solano County Board of Supervisors, District 4