

AMENDED IN SENATE APRIL 1, 2002  
AMENDED IN SENATE FEBRUARY 26, 2002  
AMENDED IN ASSEMBLY JANUARY 7, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 953**

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**Introduced by Assembly Member Simitian**  
*(Coauthor: Senator Chesbro)*

February 23, 2001

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An act to amend Sections 5540.5, 5540.6, and 5549 of the Public Resources Code, relating to park and open-space districts, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Simitian. Park and open-space districts.

(1) Existing law permits a park or open-space district to, by unanimous vote of the members of its board, exchange real property that is dedicated for park or open-space purposes for land that is of equal or greater value and is needed for park or open-space purposes, with certain restrictions.

This bill would permit a district to exchange interests in real property in addition to real property for the same purpose and with the same restrictions.

Existing law permits a park or open-space district to convey to any public agency real property that is dedicated and used for park or open-space purposes as long as the public agency agrees in writing to continue to use the land for park or open-space purposes and not to

convey the property without the consent of the majority of the voters in the district pursuant to an election.

This bill would permit a district to convey interests in real property under the same conditions.

Existing law permits the general manager of the East Bay Regional Park District, upon approval of the district’s board, to bind the district without advertising and without written contract for the payment of supplies, materials, labor or other consideration for any purpose, in amounts not exceeding \$25,000. The expenditures must be reported at the board’s next regular meeting.

This bill would also permit the general manager of the Midpeninsula Regional Open Space District and the general manager of the Sonoma County Agricultural Preservation and Open Space District to do the same.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5540.5 of the Public Resources Code is  
2 amended to read:

3 5540.5. (a) Notwithstanding Section 5540, a district, with  
4 the approval by a unanimous vote of the members of its board of  
5 directors, may exchange any real property, or any interest in real  
6 property, dedicated and used for park or open-space purposes, or  
7 both, for real property, or any interest in real property, that the  
8 board of directors determines to be of equal or greater value and  
9 is necessary to be acquired for park or open-space purposes, or  
10 both.

11 (b) A district shall not in any calendar year exchange more than  
12 10 acres of district-owned real property, or any interest in real  
13 property, pursuant to this section for other real property, or any  
14 interest in real property, and any real property, or any interest in  
15 real property, acquired by the district shall be adjacent to other real  
16 property owned by the district.

17 (c) Notwithstanding subdivision (b), the East Bay Regional  
18 Park District and the Midpeninsula Regional Open Space District  
19 may exchange up to a maximum of 40 acres of district-owned real



1 property, or any interest in real property, in any calendar year  
2 pursuant to this section for other real property, and any real  
3 property, or any interest in real property, so acquired by the district  
4 shall be adjacent to other real property owned by the district.

5 SEC. 2. Section 5540.6 of the Public Resources Code is  
6 amended to read:

7 5540.6. Notwithstanding Section 5540, a district may, with  
8 the approval by a four-fifths vote of the board of directors, convey  
9 to another public agency any real property, or any interest in real  
10 property, dedicated and used for park or open-space purposes, or  
11 both, provided the public agency undertakes in a recorded written  
12 agreement to continue to use the real property, or the interest in the  
13 real property, for those purposes and not to convey the real  
14 property, or the interest in the real property, without the consent of  
15 a majority of the voters of the district at an election called and  
16 conducted by the board pursuant to Section 5540.

17 SEC. 3. Section 5549 of the Public Resources Code is  
18 amended to read:

19 5549. (a) The general manager has the following  
20 administrative and executive functions, powers, and duties. The  
21 general manager shall do all of the following:

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

24 (2) Appoint subordinates, clerks, and other employees, and  
25 exercise supervision and control over all departments and offices  
26 of the district. Those appointees shall hold employment at the  
27 pleasure of the general manager.

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

30 (4) Submit to the board for adoption any measures, ordinances,  
31 and regulations he or she deems necessary or expedient.

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

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

37 (b) (1) With the approval of the board, the general manager  
38 may bind the district, in accordance with board policy, and without  
39 advertising, for the payment for supplies, materials, labor, or other  
40 valuable consideration for any purpose other than new



1 construction of any building, structure, or improvement in  
2 amounts not exceeding ten thousand dollars (\$10,000), and for the  
3 payment for supplies, materials, or labor for new construction of  
4 any building, structure, or improvement in amounts not exceeding  
5 twenty-five thousand dollars (\$25,000). All expenditures shall be  
6 reported to the board of directors at its next regular meeting.

7 (2) Notwithstanding paragraph (1), with the approval of the  
8 board, the general manager of the East Bay Regional Park District,  
9 the general manager of the Midpeninsula Regional Open Space  
10 District, and the general manager of the Sonoma County  
11 Agricultural Preservation and Open Space District may bind those  
12 districts, in accordance with board policy, and without advertising,  
13 for the payment for supplies, materials, labor, or other valuable  
14 consideration for any purpose, including the new construction of  
15 any building, structure, or improvement in amounts not exceeding  
16 twenty-five thousand dollars (\$25,000). All expenditures shall be  
17 reported to the board of directors at its next regular meeting.

18 SEC. 4. This act is an urgency statute necessary for the  
19 immediate preservation of the public peace, health, or safety  
20 within the meaning of Article IV of the Constitution and shall go  
21 into immediate effect. The facts constituting the necessity are:

22 In order to make statutory changes necessary to authorize a  
23 *certain* park or open-space ~~district~~ *districts* to exchange or convey  
24 interests in real property and take specified actions with respect to  
25 payment for supplies, materials, labor or other consideration, at  
26 the earliest possible time, it is necessary that this act take effect  
27 immediately.

