

**ASSEMBLY BILL**

**No. 2939**

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**Introduced by Assembly Member Wolk  
(Coauthor: Assembly Member Niello)  
(Coauthor: Senator Cox)**

February 24, 2006

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An act to amend Sections 6832 and 6835.1 of, to add Sections 6830.2, 6894.1, 6894.2, and 6910 to, and to repeal and add Section 6830.1 of, the Harbors and Navigation Code, relating to the Sacramento-Yolo Port District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2939, as introduced, Wolk. Sacramento-Yolo Port District.

(1) Existing law provides for the formation of a river port district that is governed by a port commission, which consists of five members, as specified. Existing law provides for additional commissioners for the Sacramento-Yolo Port Commission.

This bill would reestablish the boundaries of the Sacramento-Yolo Port District. The bill would eliminate the requirement for additional commissioners for the Sacramento-Yolo Port Commission, and instead specify the membership of the Sacramento-Yolo Port Commission and define and limit certain powers of the Sacramento-Yolo Port District.

The bill would require the County of Sacramento and the City of Sacramento to create the Riverfront Enhancement Fund to receive the proceeds from the sale or lease of the Sacramento-Yolo Port District's Seaway properties, as specified. The bill would provide that money in the fund shall be expended exclusively on projects that are related to the Sacramento and American Rivers and that are designed to improve commerce within the district.

Existing law permits an elected official of an appointing authority to be a member of a port commission.

This bill would additionally permit an employee of an appointing authority to be a member of a port commission.

By requiring local agencies to undertake new duties, the bill would impose a state-mandated local program.

(2) 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 these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 6830.1 of the Harbors and Navigation  
2 Code is repealed.

3 ~~6830.1. (a) In addition to the commissioners appointed~~  
4 ~~pursuant to Section 6830, the Sacramento-Yolo Port Commission~~  
5 ~~shall have one commissioner appointed by the City Council of~~  
6 ~~the City of West Sacramento and one commissioner appointed~~  
7 ~~jointly by the Board of Supervisors of Sacramento County and~~  
8 ~~the City Council of the City of Sacramento.~~

9 ~~(b) On or before the end of each fiscal year, the City of West~~  
10 ~~Sacramento shall pay to the Sacramento-Yolo Port District an~~  
11 ~~amount which is equal to the costs incurred by the district on~~  
12 ~~behalf of the commissioner appointed by the City of West~~  
13 ~~Sacramento pursuant to this section.~~

14 ~~(c) On or before the end of each fiscal year, Sacramento~~  
15 ~~County and the City of Sacramento shall pay to the~~  
16 ~~Sacramento-Yolo Port District an amount which is equal to the~~  
17 ~~cost incurred by the district on behalf of the commissioner~~  
18 ~~appointed jointly by Sacramento County and the City of~~  
19 ~~Sacramento pursuant to this section. The county and city shall~~  
20 ~~contribute an equal amount to the payment required by this~~  
21 ~~subdivision.~~

1 SEC. 2. Section 6830.1 is added to the Harbors and  
2 Navigation Code, to read:

3 6830.1. Notwithstanding Section 6830, the Sacramento-Yolo  
4 Port Commission shall be composed of five members selected  
5 and appointed as follows:

6 (a) Four commissioners shall be appointed by the City Council  
7 of the City of West Sacramento, which commissioners may be  
8 members of the city council, and notwithstanding Section 6835,  
9 shall be residents of the City of West Sacramento. The  
10 appointments shall be made in the manner set by law for  
11 appointments by the City of West Sacramento.

12 (b) One commissioner shall be appointed by the Board of  
13 Supervisors of Yolo County, which commissioner may be a  
14 member of the board of supervisors and, notwithstanding Section  
15 6835, shall be a resident of the City of West Sacramento. The  
16 appointment shall be made in the manner set by law for  
17 appointments by the County of Yolo.

18 SEC. 3. Section 6830.2 is added to the Harbors and  
19 Navigation Code, to read:

20 6830.2. The boundaries of the Sacramento-Yolo Port District  
21 are hereby established to coincide with the first supervisorial  
22 district of the County of Yolo, as of October 1, 2005, and are  
23 described as follows:

24 Beginning at the intersection of the center line of the  
25 Sacramento River on the Yolo-Sacramento County boundary  
26 with the northeasterly extension of the northerly line of the old  
27 "Tule Jake Road," located in a portion of Section 29, Township 9  
28 North, Range 4 East, Mount Diablo Meridian; thence  
29 southeasterly, easterly, and southerly along the center of the  
30 Sacramento River and the Yolo-Sacramento County boundary to  
31 the center of Sutter Slough; thence southwesterly along said  
32 center of Sutter Slough to a point on the south line of Section 36,  
33 Township 6 North, Range 3 East, Mount Diablo Meridian, being  
34 also the intersection with the Yolo-Solano County Boundary;  
35 thence westerly along the south line of Township 6 North, Range  
36 3 East, Mount Diablo Meridian, and the Yolo-Solano County  
37 Boundaries to the southwest corner of Section 31, Township 6  
38 North, Range 3 East, Mount Diablo Meridian; thence northerly  
39 on the west line of said Section 31 to a point that is distant 1600  
40 feet south from the northwest corner of said Section 31; thence

1 northeasterly to a point that is distant 1667 feet easterly from the  
2 northwest corner of Section 16, Township 6 North, Range 3 East,  
3 Mount Diablo Meridian; thence continuing northeasterly to a  
4 point that is distant easterly 1800 feet and southerly 660 feet  
5 from the northwest corner of projected Section 12, Township 7  
6 North, Range 3 East, Mount Diablo Meridian; thence northerly to  
7 a point that is distant 2000 feet easterly from the northwest  
8 corner of projected Section 36, Township 8 North, Range 3 East,  
9 Mount Diablo Meridian; thence continuing northerly to the  
10 intersection with the easterly projection of the Willow Slough  
11 Bypass; thence easterly to the intersection with the center of the  
12 Reclamation District No. 537 Dredger-Cut; thence northerly  
13 along said Dredger-Cut to the intersection with the northerly line  
14 of said "Tule Jake Road," thence northeasterly along said  
15 northerly line to the point of the beginning.

16 SEC. 4. Section 6832 of the Harbors and Navigation Code is  
17 amended to read:

18 6832. (a) The mayor of the municipality in which is located  
19 the largest proportion in value of the land within the district, or  
20 any chairman of any of the boards of supervisors of the counties  
21 in which the district is located, may call meetings of the board of  
22 election.

23 (b) *This section does not apply to the Sacramento-Yolo Port*  
24 *District.*

25 SEC. 5. Section 6835.1 of the Harbors and Navigation Code  
26 is amended to read:

27 6835.1. ~~A~~*Notwithstanding any other provision of law, a*  
28 *person shall not be ineligible for appointment to the board*  
29 *because he or she is an elected official or employee of an*  
30 *appointing authority to the board. The appointment of a person to*  
31 *the office of the board shall not be deemed incompatible with*  
32 *being an elected official or employee of an appointing authority*  
33 *to the board, and shall not prevent an elected official or*  
34 *employee so appointed from acting on a proposal before the*  
35 *board affecting the appointing authority. Any regulation*  
36 *providing for the disqualification of a person for that reason is*  
37 *null and void.*

38 SEC. 6. Section 6894.1 is added to the Harbors and  
39 Navigation Code, to read:

1 6894.1. Notwithstanding the provisions of Section 6894, the  
2 board of the Sacramento-Yolo Port District shall not sell or  
3 dismantle the Deepwater Channel or the North Terminal Property  
4 without the prior consent of the City of Sacramento, the County  
5 of Sacramento, and the County of Yolo.

6 SEC. 7. Section 6894.2 is added to the Harbors and  
7 Navigation Code, to read:

8 6894.2. (a) A Riverfront Enhancement Fund shall be created  
9 to receive the proceeds from the sale or lease of the  
10 Sacramento-Yolo Port District's Seaway Properties, other than  
11 proceeds that are dedicated to the district for on-going operations  
12 pursuant to the Joint Port Governance Agreement dated January  
13 15, 2006. The Riverfront Enhancement Fund shall be a special  
14 fund to be created, controlled, and managed by the County of  
15 Sacramento and the City of Sacramento, by and through a  
16 designated fund manager. Any interest that shall accrue on  
17 moneys on deposit in the fund shall be deposited into the fund.  
18 All proceeds on deposit in the fund, including interest, shall be  
19 used as provided in subdivision (b).

20 (b) Moneys in the Riverfront Enhancement Fund shall be  
21 expended exclusively on projects related to the Sacramento and  
22 American Rivers, including tributaries and fluvial features,  
23 encompassed within the Counties of Sacramento and Yolo.  
24 Projects may include, but are not limited to, those of regional  
25 significance; capital improvements on riverfronts; maintenance  
26 and operation of riverfronts, waterways, and parkways;  
27 conservation and environmental studies and projects, but all  
28 projects shall be designed to improve commerce within the  
29 district. Projects shall be reviewed and approved as provided in  
30 the Joint Port Governance Agreement dated January 15, 2006.

31 (c) By January 31st of each year, the fund manager shall  
32 provide the Sacramento-Yolo Port District, the City of  
33 Sacramento, the County of Sacramento, the City of West  
34 Sacramento, and the County of Yolo with a written annual  
35 accounting of all fund activities for the previous year.

36 (d) (1) If the North Terminal Property is closed and liquidated  
37 within 10 years from January 15, 2006, the net proceeds shall  
38 accrue to the Riverfront Enhancement Fund.

39 (2) If the North Terminal Property is closed and liquidated  
40 after 10 years from January 15, 2006, and prior to 20 years, the

1 net proceeds from the liquidation shall be distributed to the  
2 Riverfront Enhancement Fund, less 10 percent for each year after  
3 the initial 10-year period that shall be distributed to the City of  
4 West Sacramento.

5 (3) For purposes of this subdivision, “net proceeds” means the  
6 amount of money received for the Sacramento-Yolo Port  
7 District’s remaining assets, less funds already transmitted, less  
8 any liquidation costs, including retirement of district liabilities  
9 and district environmental remediation, and less reimbursement  
10 to the City of West Sacramento for any investment the City of  
11 West Sacramento has made in the district, infrastructure required  
12 for the district and on district property, or infrastructure required  
13 to market district property.

14 SEC. 8. Section 6910 is added to the Harbors and Navigation  
15 Code, to read:

16 6910. (a) Except as provided in subdivision (b), the  
17 Sacramento-Yolo Port District shall not exercise the power of  
18 eminent domain in the County of Sacramento, the City of  
19 Sacramento, or the County of Yolo, without specific  
20 authorization respectively from the County of Sacramento, the  
21 City of Sacramento, or the County of Yolo.

22 (b) This section does not apply to the Sacramento-Yolo Port  
23 District if it exercises the power of eminent domain in the city of  
24 West Sacramento.

25 SEC. 9. If the Commission on State Mandates determines that  
26 this act contains costs mandated by the state, reimbursement to  
27 local agencies and school districts for those costs shall be made  
28 pursuant to Part 7 (commencing with Section 17500) of Division  
29 4 of Title 2 of the Government Code.