

AMENDED IN SENATE JUNE 17, 2008

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE SEPTEMBER 5, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 31**

**Introduced by Assembly Member De Leon**

**(Coauthors: Assembly Members Bass, Coto, Hernandez, *Karnette*,  
Mendoza, Nunez, Saldana, Solorio, Soto, Swanson, and Torrico)**

**(Coauthors: Senators Cedillo and Padilla)**

December 4, 2006

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An act to amend Sections 5640, 5641, 5642, 5643, 5644, 5645, 5646, 5647, 5648, 5649, 5650, 5651, ~~5653~~, and ~~5754~~ and 5653 of, to amend the heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of, and to add Sections 5643.6 and 5652.5 to, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as amended, De Leon. Statewide Park Development and Community Revitalization Act of 2007.

The Urban Park Act of 2006 (act) requires the Department of Parks and Recreation (department) to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development,

or both, of urban parks and recreational areas and facilities. Heavily urbanized counties are authorized to apply for these grants.

This bill would change the name of the act to the Statewide Park Development and Community Revitalization Act of 2007. A city, regional park district, district, joint powers authority, or county, in addition to specified nonprofit organizations, would be authorized to apply for local assistance program grants. *The department would be required to encourage joint partnerships between agencies to enhance investment of public resources.* The term “critically underserved community” would replace the term “heavily urbanized county” for purposes of the act and would be defined to include a community with less than 3 acres of usable parkland per 1,000 residents or is a disadvantaged community, as defined, and can demonstrate to the Department of Parks and Recreation that the community has insufficient or no park *space* and recreation facilities. The bill would revise the criteria for awarding grants, *revise and create new limitations on grantee allocation of funds*, and require the department, on or before April 1, 2009, to adopt guidelines to amplify or clarify the grant criteria or develop a procedural guide for the administration of the act and the guidance of applicants. The department would be required to offer technical assistance to all applicants and potential applicants for both grant preparation and project development to encourage full participation in the grant program.

The bill would make clarifying and conforming changes to other provisions of the act.

~~The bill would require funds appropriated under the Safe Drinking Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 for projects in accordance with the California River Parkways Act of 2004, and funds appropriated for the Statewide Park Development and Community Revitalization Act of 2007, be divided so that projects in counties receive a portion of funds that is based on the county’s population.~~

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

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

- 1 SECTION 1. It is the intent of the Legislature to make available
- 2 to the Department of Parks and Recreation, upon appropriation,
- 3 four hundred million dollars (\$400,000,000) provided by

1 subdivision (b) of Section 75065 of the Public Resources Code  
2 that shall be used to award competitive grants *to park poor*  
3 *communities* pursuant to the Statewide Park Development and  
4 Community Revitalization Act of 2007 (Chapter 3.3 (commencing  
5 with Section 5640) of Division 5 of the Public Resources Code).

6 SEC. 2. The heading of Chapter 3.3 (commencing with Section  
7 5640) of Division 5 of the Public Resources Code is amended to  
8 read:

9

10 CHAPTER 3.3. THE STATEWIDE PARK DEVELOPMENT AND  
11 COMMUNITY REVITALIZATION ACT OF 2007  
12

13 SEC. 3. Section 5640 of the Public Resources Code is amended  
14 to read:

15 5640. This chapter shall be known, and may be cited, as the  
16 Statewide Park Development and Community Revitalization Act  
17 of 2007.

18 SEC. 4. Section 5641 of the Public Resources Code is amended  
19 to read:

20 5641. The Legislature hereby finds and declares as follows:

21 (a) The program created by this chapter will finance the  
22 acquisition and development of parks and recreation areas and  
23 facilities in the communities that are currently least served by park  
24 and recreation facilities by emphasizing the creation of *park space*  
25 *and recreational* opportunities and the expansion of park  
26 accessibility to underserved communities. These underserved  
27 communities are often the same areas that suffer most from high  
28 unemployment and destructive or unlawful conduct by youth.

29 (b) The program established by this chapter will encourage  
30 community participation in, and a greater sense of responsibility  
31 toward, new parks and recreation areas and facilities, which will  
32 help keep them clean and safe and which will enhance community  
33 pride and sustain neighborhood vitality.

34 (c) New parks and facilities will provide safe recreational  
35 opportunities for children, positive outlets, and secure sites for  
36 youth, while also meeting the special recreational and social needs  
37 of senior citizens and other population groups.

38 (d) California suffers from an acute shortage of parks throughout  
39 the state, particularly in poor communities.

1 (e) It is therefore the intent of the Legislature that the funds  
2 made available through the Statewide Park Development and  
3 Community Revitalization Act of 2007 be used to award  
4 competitive grants statewide to advance certain goals and policies,  
5 including, but not limited to, assisting in the *acquisition of park*  
6 *space or the* development of park and recreation opportunities to  
7 critically underserved communities. It is further the intent of the  
8 Legislature that this be accomplished by delivering project funds  
9 to neighborhood and regional park projects in areas of highest  
10 need, *while offering technical assistance to all applicants and*  
11 *potential applicants for grant preparation to encourage full*  
12 *participation in the grant program.*

13 SEC. 5. Section 5642 of the Public Resources Code is amended  
14 to read:

15 5642. As used in this article, the following terms shall have  
16 the following meanings:

17 (a) “City” means a city or the City and County of San Francisco.

18 (b) “Critically underserved community” means a community  
19 that meets either of the following:

20 (1) Has less than three acres of usable parkland per 1,000  
21 residents.

22 (2) Is a disadvantaged community, as defined by subdivision  
23 (g) of Section 75005, and can demonstrate to the department that  
24 the community has insufficient or no park *space* and recreation  
25 facilities.

26 (c) “District” means one of the following:

27 (1) A recreation and park district formed under Chapter 4  
28 (commencing with Section 5780).

29 (2) A public utility district formed under Division 7  
30 (commencing with Section 15501) of the Public Utilities Code in  
31 a nonurbanized area that employs a full-time park and recreation  
32 director and offers year-round park and recreation services on  
33 lands and facilities owned by that district.

34 (3) A memorial district formed under Chapter 1 (commencing  
35 with Section 1170) of Division 6 of the Military and Veterans  
36 Code that employs a full-time park and recreation director and  
37 offers year-round park and recreation services on lands and  
38 facilities owned by that district.

39 (4) The Malaga County Water District exercising powers  
40 authorized under Section 31133 of the Water Code.

1 (5) A community service district formed under Division 3  
2 (commencing with Section 61000) of Title 6 of the Government  
3 Code in a nonurbanized area that is authorized to provide public  
4 recreation as specified in subdivision (e) of Section 61100 of the  
5 Government Code.

6 (6) A county service area or zone in the county service area,  
7 within the County of San Bernardino that is empowered to provide  
8 public park and recreation services pursuant to Chapter 2.2  
9 (commencing with Section 25210.1) of Part 2 of Division 2 of  
10 Title 3 of the Government Code, that is actually providing public  
11 park and recreation services that was reorganized prior to January  
12 1, 1987, from a park and recreation district to a county service area  
13 or zone.

14 (7) A regional park district formed pursuant to Article 3  
15 (commencing with Section 5500) of Chapter 3 or state-owned  
16 lands that provide regional recreational benefits that are designed  
17 to serve multiple critically underserved communities.

18 (d) “Facilities” includes, but is not limited to, places for  
19 organized team sports, outdoor recreation, and informal turf play;  
20 nonmotorized recreational trails; permanent play structures;  
21 landscaping; community gardens; places for passive recreation,  
22 enjoyment of scenic open space, nature appreciation and study,  
23 and outdoor education; multipurpose structures designed to meet  
24 the special recreational, educational, vocational, and social needs  
25 of youth, senior citizens, and other population groups; recreation  
26 areas created by the redesign and retrofit of urban freeways;  
27 community swimcenters; regional recreational trails; and  
28 infrastructure and other improvements that support these facilities.

29 (e) “Nonprofit organization” means any nonprofit entity  
30 qualified to do business in California, qualified under Section  
31 501(c)(3) of Title 26 of the United States Code, and that has among  
32 its primary purposes the preservation, protection, or enhancement  
33 of land or water resources in their natural, scenic, historical,  
34 agricultural, forested, or open-space condition or use, or the  
35 provision of conservation and environmental education and other  
36 recreational, vocational, and educational services to youth.

37 SEC. 6. Section 5643 of the Public Resources Code is amended  
38 to read:

39 5643. (a) The Department of Parks and Recreation shall  
40 establish a local assistance program to distribute grants to the most

1 park needy communities across the state, on a competitive basis,  
2 to eligible cities, counties, joint powers authorities, districts, and  
3 nonprofit organizations for the acquisition or development, or both,  
4 of property for parks and recreation areas and facilities.

5 *(b) The Department of Parks and Recreation shall encourage*  
6 *joint partnership projects, if available, between two or more*  
7 *agencies, including, but not limited to, school districts, nonprofit*  
8 *organizations, and local governmental agencies in order to*  
9 *enhance investment of public resources.*

10 SEC. 7. Section 5643.6 is added to the Public Resources Code,  
11 to read:

12 5643.6. It is the intent of the Legislature that the local assistance  
13 program created by this chapter fund both neighborhood parks and  
14 regional parks and trails.

15 SEC. 8. Section 5644 of the Public Resources Code is amended  
16 to read:

17 5644. Eligible applicants for grants pursuant to this chapter  
18 are cities, counties, regional park districts, districts, joint powers  
19 authorities, and nonprofit organizations.

20 SEC. 9. Section 5645 of the Public Resources Code is amended  
21 to read:

22 5645. The department may award a grant pursuant to this  
23 chapter only for a project that meets all of the following criteria:

24 (a) The proposed project will create a new park where one  
25 currently does not exist, a new or multipurpose facility, or new  
26 recreational opportunity.

27 (b) The project will serve a critically underserved community  
28 or in the case of a regional park or trail, the project has a primary  
29 service area that includes residents of critically underserved  
30 communities.

31 (c) The proposed project is designed to provide efficient use of  
32 water and other natural resources, including, but not limited to,  
33 projects that utilize green construction methods,  
34 climate-appropriate vegetation, management techniques, such as  
35 stormwater capture and storage, and reduction for both dry and  
36 wet runoffs, minimizing the use of pesticides and fertilizers, and  
37 impervious surfaces.

38 (d) The amount of the grant applied for, together with any  
39 matching contribution, will meet all the costs of acquiring or  
40 developing, or both, the new park or facilities, and when

1 construction of the project is completed, the new park or facility  
2 will be fully usable by the residents of the ~~project's service area~~  
3 *critically underserved community*.

4 (e) *The project applicant has actively involved the public and*  
5 *community-based groups in the selection and planning of the*  
6 *project.*

7 (f) *The project applicant or partnering entities will provide for*  
8 *public safety and outdoor recreational opportunities following*  
9 *project completion.*

10 (g) *Following project completion, the project's weekday and*  
11 *weekend operating hours will accommodate the needs of the*  
12 *community residents. Entrance or membership fees shall not deter*  
13 *use by community residents. Pursuant to receiving these funds,*  
14 *fees cannot be limited to nonresidents of the community in which*  
15 *the park space or recreational opportunity is located.*

16 SEC. 10. Section 5646 of the Public Resources Code is  
17 amended to read:

18 5646. In evaluating applications for grants that meet the  
19 requirements of Section 5645, the department shall assign higher  
20 priority to applications, for each of the following criteria satisfied:

21 (a) The project will acquire new parks, develop new parks, or  
22 expand overused parks in a community that has *demonstrated*  
23 *insufficient or no park space and recreation facilities*. In evaluating  
24 the deficiency level of park and recreation facilities in a ~~service~~  
25 ~~area~~ *critically underserved community*, the department shall  
26 consider the number of acres of usable parkland per 1,000 residents.

27 (b) ~~The project's service area~~ *critically underserved community*  
28 has a significant percent of persons living at or below the poverty  
29 level.

30 ~~(e) The project's service area has a significant unemployment~~  
31 ~~rate.~~

32 ~~(d) The applicant has actively involved the public and~~  
33 ~~community-based groups in the selection and planning of the~~  
34 ~~project.~~

35 ~~(e) The project's service area has a significant number of~~  
36 ~~children under the age of 18 years.~~

37 (f)

38 (c) The project will enhance workforce development and  
39 employment opportunities or accommodate outdoor learning  
40 opportunities for school pupils, at-risk youth in the service area,

1 *or, if available*, members of the California Conservation Corps;  
2 or members of a certified local conservation corps.

3 ~~(g) The project is a joint partnership project between two or~~  
4 ~~more agencies, including, but not limited to, school districts,~~  
5 ~~nonprofit organizations, and local governmental agencies that share~~  
6 ~~responsibility for ownership, development, and maintenance of~~  
7 ~~the project in order to enhance investment of public resources.~~

8 SEC. 11. Section 5647 of the Public Resources Code is  
9 amended to read:

10 5647. (a) The department shall adopt guidelines to amplify or  
11 clarify the criteria specified in Section 5646, and may adopt  
12 additional criteria, to supplement those criteria, but the scope of  
13 the additional criteria shall be limited to providing additional  
14 guidance in selecting projects in areas that have the greatest  
15 deficiencies in parks and facilities.

16 (b) The department shall develop a procedural guide for the  
17 administration of this chapter and the guidance of applicants.

18 (c) The department shall solicit written comments and hold  
19 public hearings at convenient locations throughout the state on  
20 any guideline or procedural guide that is proposed to be adopted  
21 or developed pursuant to this section.

22 (d) The department shall offer technical assistance to all  
23 applicants and potential applicants for both grant preparation and  
24 project development in order to encourage full participation in the  
25 grant program.

26 ~~(e) The department shall allow grant awardees to spend a portion~~  
27 ~~of their grant for project planning and other incidental, but directly~~  
28 ~~related, construction or acquisition costs.~~

29 *(e) The department shall allow grantees to spend no more than*  
30 *25 percent of the grant amount for project planning, design,*  
31 *compliance with the California Environmental Quality Act*  
32 *(Division 13 (commencing with Section 21000)), and other*  
33 *incidental, but directly related, construction or acquisition costs.*

34 (f) The department shall adopt the guidelines or develop the  
35 procedural guide on or before April 1, 2009.

36 (g) Any regulation or procedural guide adopted or developed  
37 pursuant to this section shall not be subject to the review or  
38 approval of the Office of Administrative Law or to any other  
39 requirement of Chapter 3.5 (commencing with Section 11340) of  
40 Division 3 of Title 2 of the Government Code.

1 ~~(h) The department shall not expend more than 5 percent of the~~  
2 ~~amount annually appropriated for the purposes of this chapter for~~  
3 ~~administrative costs, with a minimum of 1 percent being used to~~  
4 ~~support technical assistance.~~

5 ~~(i) If funding is available, the department shall administer~~  
6 ~~application requests for proposals and grant awards in no less than~~  
7 ~~two cycles in one year. The department shall maintain this~~  
8 ~~application schedule as long as funding is available.~~

9 SEC. 12. Section 5648 of the Public Resources Code is  
10 amended to read:

11 5648. (a) The local assistance program created by this chapter  
12 is intended to include grants for the acquisition or development,  
13 or both, of parcels of property of any size that will serve residents  
14 of a critically underserved community and otherwise meet the  
15 requirements of this chapter. The department shall not assign an  
16 application a lower priority on the basis that the application  
17 proposes the acquisition of a city lot or other small parcel.

18 (b) A grant may be expended to acquire the fee title, a leasehold,  
19 or other interest in real property. If an application proposes to  
20 acquire less than fee title, the applicant shall demonstrate in the  
21 application, to the satisfaction of the department, that the proposed  
22 project will provide public benefits that are commensurate with  
23 the type and duration of the interest in real property to be acquired.

24 SEC. 13. Section 5649 of the Public Resources Code is  
25 amended to read:

26 5649. Any eligible nonprofit organization may apply for a grant  
27 on its own behalf or on behalf of an eligible city, county, or district  
28 pursuant to a contract with that city, county, or district to acquire  
29 and develop the park or recreation area. The application may  
30 include a copy of the contract and the resolution or other  
31 authorization for the contract. The contract shall specify  
32 arrangements for the long-term management and operation of the  
33 park or recreation area.

34 SEC. 14. Section 5650 of the Public Resources Code is  
35 amended to read:

36 5650. (a) Every applicant for a grant pursuant to this chapter  
37 and the entity that will operate and maintain the property, if that  
38 entity is different than the applicant, shall agree to comply with  
39 all of the following requirements:

1 (1) To operate and maintain the property developed pursuant  
2 to this chapter so that it is usable by residents of the targeted  
3 critically underserved community. With the approval of the  
4 department, the grant recipient, or its successor in interest in the  
5 property, may transfer its property interest and the responsibility  
6 to operate and maintain the property, in accordance with the terms  
7 of the grant and any applicable law, to a public agency or nonprofit  
8 organization that is able to operate and maintain the property in  
9 perpetuity. Any attempt to make a transfer in violation of this  
10 subdivision is void.

11 (2) To use the property only for the purposes for which the grant  
12 was made and to make no other use or sale or other disposition of  
13 the property, except as authorized by specific act of the Legislature.  
14 If the use of the property is changed to a use that is not permitted  
15 by the terms of the grant, or if the property is sold or otherwise  
16 disposed of, the grant recipient shall reimburse the state an amount  
17 equal to the amount of the grant, the fair market value of the land  
18 and any improvements constructed with the grant, or the proceeds  
19 from the sale or other disposition, whichever amount is greatest.  
20 If the property that is sold or otherwise disposed of is less than the  
21 entire interest in the property funded with the grant, the grant  
22 recipient shall reimburse the state an amount equal to either the  
23 proceeds from the sale or other disposition of the interest or the  
24 fair market value of the interest sold or otherwise disposed of,  
25 whichever amount is greater.

26 (b) In lieu of seeking reimbursement pursuant to paragraph (2)  
27 of subdivision (a), the department may impose restrictions on the  
28 use of public park property identical to the requirements for the  
29 preservation of public parks set forth in the Public Park  
30 Preservation Act of 1971 (Chapter 2.5 (commencing with Section  
31 5400)) with respect to any property used, sold, or otherwise  
32 disposed of in a manner not permitted by the terms of the grant.

33 SEC. 15. Section 5651 of the Public Resources Code is  
34 amended to read:

35 5651. ~~(a)~~—The recipient of a grant pursuant to this chapter may  
36 use the grant funds to pay for any portion of the cost of cleaning  
37 up, removing, or remediating any toxic materials or hazardous  
38 substances, if the amount used for cleanup, removal, or remediation  
39 does not exceed 20 percent of the grant allocated to the project.

1 ~~(b) To ensure that the park needs of critically underserved~~  
2 ~~communities across the state have an opportunity to be assisted~~  
3 ~~by this program, all funds appropriated for use pursuant to this~~  
4 ~~chapter shall be divided so that projects in counties with~~  
5 ~~populations larger than 1,000,000, projects in counties with~~  
6 ~~populations between 200,000 and 1,000,000, and projects in~~  
7 ~~counties with populations of less than 200,000 people receive a~~  
8 ~~portion of funds equal to the proportion of the state's population~~  
9 ~~found in each of these categories as determined by the Department~~  
10 ~~of Finance on the basis of the most recent verifiable census data.~~

11 ~~(1) The department may establish individual grant size~~  
12 ~~limitations for projects in each of these county groups.~~

13 ~~(2) If the jurisdiction of an applicant encompasses more than~~  
14 ~~one county, as in the case of some regional park districts, an~~  
15 ~~application shall be considered under the program where the~~  
16 ~~proposed project is located.~~

17 SEC. 16. Section 5652.5 is added to the Public Resources Code,  
18 to read:

19 5652.5. A grant recipient shall encumber grant moneys within  
20 three years of the date of the approval of the grant and *grant*  
21 *moneys* shall be liquidated within eight years from the date of  
22 appropriation.

23 SEC. 17. Section 5653 of the Public Resources Code is  
24 amended to read:

25 5653. On or before April 30, 2010, ~~and on or before April 30~~  
26 ~~annually thereafter,~~ the department shall submit a report to the  
27 Legislature on the grants made pursuant to this chapter, including,  
28 but not limited to, the status of the awarded project, the project's  
29 service area, and the project's benefits. The report shall also include  
30 ~~how the department has given technical assistance in project~~  
31 ~~development and grant preparation to underserved communities.~~  
32 *Legislature on the status of each grant made pursuant to this*  
33 *chapter.*

34 SEC. 18. ~~Section 5754 of the Public Resources Code is~~  
35 ~~amended to read:~~

36 ~~5754. (a) To the extent funds are available, the secretary shall~~  
37 ~~develop guidelines for the preparation and consideration of river~~  
38 ~~parkway plans for the purpose of Section 5753 and may award~~  
39 ~~grants to assist in development of such plans.~~

1     ~~(b) (1) To ensure that the river parkway needs of communities~~  
2 ~~across the state have an opportunity to be assisted by the California~~  
3 ~~River Parkways Act of 2004, Chapter 3.8 (commencing with~~  
4 ~~Section 5750), all funds appropriated for use pursuant to~~  
5 ~~subdivision (d) of Section 75050 shall be divided so that projects~~  
6 ~~in counties with populations larger than 1,000,000, projects in~~  
7 ~~counties with populations between 200,000 and 1,000,000, and~~  
8 ~~projects in counties with populations with less than 200,000 people~~  
9 ~~receive a portion of funds equal to the proportion of the state's~~  
10 ~~population found in each of these categories as determined by the~~  
11 ~~Department of Finance on the basis of the most recent verifiable~~  
12 ~~census data.~~

13     ~~(b) If the jurisdiction of an applicant encompasses more than~~  
14 ~~one county, an application shall be considered under the program~~  
15 ~~where the proposed project is located.~~