

AMENDED IN ASSEMBLY JUNE 8, 2009

AMENDED IN SENATE APRIL 14, 2009

AMENDED IN SENATE MARCH 26, 2009

SENATE BILL

No. 211

Introduced by Senator Simitian

(Principal coauthor: Assembly Member Monning)

(Coauthor: Assembly Member Caballero)

February 23, 2009

An act to amend Section 5514 of, and to add Section 5506.14 to, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as amended, Simitian. Park district formation: County of Santa Cruz.

Existing law generally authorizes the formation of a district by a petition requesting the creation and maintenance of a district, describing the exterior boundaries, signed by at least 5,000 electors residing within the territory proposed to be included in the district, and presented to the board of supervisors of the county containing the largest area within the proposed district.

Existing law also authorizes proceedings for the formation of a regional park district, regional park and open-space district, or regional open-space district in specified counties of 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, in lieu of the petition and related proceedings required under the above provisions.

This bill, in addition, would authorize the formation of a district in the County of Santa Cruz, except as specified, if the exterior boundaries

of the proposed district are coterminous with the exterior boundaries of the county and are initiated by a specified resolution of the county board of supervisors, after a hearing noticed in accordance with specified procedures, in lieu of the petition and related proceedings required under the above provisions.

The bill would also require the resolution to call and give notice of an election to be held in the proposed district and would authorize the county counsel to prepare the ballot label for that election.

Vote: majority. 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 5506.14 is added to the Public Resources
2 Code, to read:
3 5506.14. (a) If the exterior boundaries of a proposed district
4 are coterminous with the exterior boundaries of the County of
5 Santa Cruz, except for territory within the boundaries of the
6 Midpeninsula Regional Open Space District on the effective date
7 of this act, proceedings for formation of a district in the County
8 of Santa Cruz may be initiated by resolution of the county board
9 of supervisors, adopted after a hearing noticed in accordance with
10 Section 6064 of the Government Code, in lieu of the petition and
11 related proceedings specified in this article.
12 (b) The resolution shall do all of the following:
13 (1) Name the proposed district and state the reasons for forming
14 it.
15 (2) Describe the methods by which the district will be financed.
16 (3) Specify that the proposed district shall be governed by a
17 board of five directors who shall be elected in accordance with
18 this article and, notwithstanding Section 5515, specify that the
19 boundaries of the five wards or subdistricts shall be drawn
20 according to the boundaries of supervisorial districts, *except for*
21 *territory within the boundaries of the Midpeninsula Regional Open*
22 *Space District on January 1, 2010.*
23 (4) Specify that the proposed district shall not have, and may
24 not exercise, the power of eminent domain pursuant to Section
25 5542, or any other provision of law, ~~except if the property owner~~
26 ~~declares in writing that the owner intends to use the provisions of~~
27 ~~Section 1033 of the Internal Revenue Code to acquire property~~

1 ~~similar or related in service or use so as to be eligible for~~
2 ~~nonrecognition of gain for income tax purposes. unless requested~~
3 ~~by the owner of the land.~~

4 (5) Call and give notice of an election to be held in the proposed
5 district pursuant to subdivision (b) of Section 5514. Formation of
6 the district is not subject to the Cortese-Knox-Hertzberg Local
7 Government Reorganization Act of 2000 (Division 3 (commencing
8 with Section 56000) of Title 5 of the Government Code).

9 (6) Include any other matters necessary to the formation of the
10 district.

11 (c) *Notwithstanding Section 5518, the county counsel of the*
12 *County of Santa Cruz may prepare the language in the ballot label*
13 *for the election to be held pursuant to paragraph (5) of subdivision*
14 *(b).*

15 SEC. 2. Section 5514 of the Public Resources Code is amended
16 to read:

17 5514. (a) The board of supervisors of the county having the
18 largest area within the proposed district shall, if the petition, after
19 the hearing, has been approved, in whole or in part, have
20 jurisdiction to proceed further with the calling of an election within
21 the boundaries of the proposed district as described in the resolution
22 passed at the conclusion of the hearing, and shall, either as a part
23 of the same resolution or by a later resolution, call an election
24 within the proposed district for the purpose of determining whether
25 the district shall be created and established and, if necessary, for
26 the purpose of electing the first board of directors therefor in case
27 the district is created.

28 (b) In a district proposed to be formed pursuant to Section
29 5506.5, 5506.11, 5506.12, or 5506.14, the resolution calling the
30 election may provide for a single ballot measure or separate ballot
31 measures on the question of formation, establishment of an
32 appropriations limit authorized by Section 4 of Article XIII B of
33 the California Constitution, the authority to tax pursuant to Section
34 5566, and the authority to sell bonds pursuant to Section 5568, or
35 any combination of those questions.