

Assembly Bill No. 1036

CHAPTER 581

An act to amend Section 5549 of, and to add Section 5550 to, the Public Resources Code, relating to parks.

[Approved by Governor October 8, 2011. Filed with
Secretary of State October 8, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1036, Allen. Parks: regional park, park and open-space, and open-space districts: employee relations.

(1) Existing law authorizes the creation of a regional park district, a regional park and open-space district, or a regional open-space district in specified ways and provides that the district may exercise any powers granted to it under law. Existing law provides that a general manager of a district has certain administrative and executive functions, powers, and duties, including appointing subordinates, clerks, and other employees, and exercising supervision and control over all departments and offices of the district. Existing law requires that the appointees hold employment at the pleasure of the general manager.

This bill would provide that the general manager has the power to appoint and remove appointees, as provided. The bill would delete the requirement that the appointees hold employment at the pleasure of the general manager.

(2) The Meyers-Milias-Brown Act provides for the representation of local public employees by employee organizations and for the execution of memoranda of understanding between those organizations and local public agencies.

This bill would provide that the act is applicable to a regional park district, a regional park and open-space district, and a regional open-space district. The bill would authorize a board of directors of a district to adopt ordinances that, among other things, establish an employee relations system that may include a civil service system or a merit system.

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

SECTION 1. Section 5549 of the Public Resources Code is amended to read:

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

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

(2) Appoint and remove subordinates, clerks, and other employees, and exercise supervision and control over all departments and offices of the district, subject to the personnel rules, civil service, or merit system, and policies adopted by the board.

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

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

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

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

(b) (1) With the approval of the board, the general manager may bind the district, in accordance with board policy, and without advertising, for the payment for supplies, materials, labor, or other valuable consideration for any purpose other than new construction of a building, structure, or improvement in amounts not exceeding ten thousand dollars (\$10,000), and for the payment for supplies, materials, or labor for new construction of a building, structure, or improvement in amounts not exceeding twenty-five thousand dollars (\$25,000). All expenditures shall be reported to the board of directors at its next regular meeting.

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

SEC. 2. Section 5550 is added to the Public Resources Code, to read:

5550. (a) The Meyers-Milias-Brown Act, Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code, applies to all districts.

(b) A board of directors may adopt an ordinance establishing an employee relations system that may include, but is not limited to, a civil service system or a merit system.

(c) With the prior permission of the board of supervisors of the principal county, a board of directors may adopt an ordinance that makes the employees of the district subject to the employee relations system of the principal county. The board of directors may adopt an ordinance that withdraws the employees of the district from the employee relations system of the principal county. A district in which the employees of the district are

subject to the employee relations system of the principal county shall receive employee relations services at cost from the county.

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