

Senate Bill No. 356

Passed the Senate September 9, 2011

Secretary of the Senate

Passed the Assembly September 9, 2011

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 5080.43 to the Public Resources Code, relating to state parks, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 356, Blakeslee. State parks: local operating agreements.

(1) Existing law authorizes the Department of Parks and Recreation to enter into agreements with any agency of the United States or any city, county, district, or other public agency for the care, maintenance, administration, and control by a party to the agreement, of lands under the jurisdiction of any party to the agreement for purposes of the state park system. Existing law prohibits an operating agreement to be entered into or amended, unless, among other things, the Legislature has reviewed the lease or agreement, or amendment, as part of the annual budget process.

This bill would require the department, if it proposes to fully close a unit of the state park system, with no planned public access, to notify the county or city in which the unit is located. Pursuant to procedures specified in the bill, a county or city would have the opportunity to take over operations and maintenance of the unit of the state park system. The bill would require the department to enter into negotiations with a county or city that notifies the department of its intention to take over the operation and maintenance of a unit of the state park system in response to the department's notice. The bill would require an agreement entered into to include certain provisions, including a provision that would require the length of the term of the agreement to be not less than one year and not longer than 5 years, with an option to renew upon the conclusion of the agreement.

(2) Existing law vests with the Department of Parks and Recreation control over the state park system, including historical units of the state park system, and requires the department to implement laws intended to protect, develop, and preserve historical resources in the state. Existing law establishes the State Office of Historic Preservation in the department and authorizes the office to, among other things, enter into agreements for the preservation and management of historical resources under its

control with public agencies, nonprofit organizations, private entities, or individuals, and to award grants not exceeding \$1,000,000 or 50% of the cost of a project, on a competitive basis, to public agencies and nonprofit organizations for the preservation of historical resources.

In this connection, the Budget Act of 2008 appropriated a specified amount of funds from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund to the department, to be available for expenditure until June 30, 2011, for a grant to the California State Railroad Museum Foundation for the rehabilitation and development of the boiler shop core, shell, and site rehabilitation and development at the California State Railroad Museum site, subject to specified terms and conditions.

This bill would authorize the department to expend any remaining funds from that appropriation for a grant to the California State Railroad Museum Foundation for expenditure, until June 30, 2013, for the core, shell, and site and track rehabilitation and development of the erecting shop and the track rehabilitation and development of the boiler shop at the California State Railroad Museum site, subject to specified terms and conditions. By authorizing the department to expend those previously appropriated funds for the above-described purposes, the bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 5080.43 is added to the Public Resources Code, to read:

5080.43. (a) A city or county shall have the opportunity to provide for the operation and maintenance of a unit of the state park system, pursuant to this section, that the state proposes to fully close with no planned public access.

(b) (1) If the state proposes to close a unit of the state park system, the department shall notify the county in which the unit is located of the department's intent to close the unit.

(2) Upon receiving the notice pursuant to paragraph (1), the county board of supervisors shall have 30 days to respond in writing to the department on whether it will consider voluntarily

taking over operation and maintenance of the unit of the state park system that is proposed to be closed. The county may elect to take over operation and maintenance of the unit if a majority of the county board of supervisors votes to do so at a properly noticed public hearing with an opportunity for community stakeholders to be heard. After approval at the hearing, the county shall provide written notice to the department within 75 days of the notice pursuant to paragraph (1) of its intent to take over the operation and maintenance of a unit of the state park system that is proposed to be closed.

(c) (1) If the board of supervisors declines to take over operation by failing to respond to the department's notice within the 30-day period, or if a majority of the board opposes taking over operation and maintenance of the unit by a vote at the public hearing, pursuant to paragraph (2) of subdivision (b), the department shall notify the city in which the unit is located of the department's intent to close the unit.

(2) Upon receiving the notice pursuant to paragraph (1), the city shall have 30 days to respond in writing to the department on whether the city plans to consider taking over operation and maintenance of the unit that is proposed to be closed. The city may elect to take over operation and maintenance of the unit if a majority of the city council members vote to do so at a properly noticed public hearing with an opportunity for community stakeholders to be heard. After approval at the hearing, the city shall provide written notice to the department within 75 days of the notice pursuant to paragraph (1) of its intent to take over the operation and maintenance of a unit of the state park system that is proposed to be closed.

(d) If a county or city provides written notification of its intent to take over the operation and maintenance of a unit of the state park system, pursuant to subdivision (b) or (c), the department shall enter into negotiations to transfer the full responsibilities of operating and maintaining the unit to the county or city. An agreement entered into shall include, but not be limited to, the following provisions:

(1) If the full operation of the park is turned over to a county or city, state funding shall not be provided to a county or city to subsidize the cost of operating or maintaining the unit. This paragraph does not preclude the department from entering into an

agreement with a county or city to operate a portion of a state park unit or from entering into a comanagement agreement with a local government that involves the sharing of operational and financial responsibilities for the park unit and that has the effect of reducing state costs.

(2) The county or city shall operate and maintain the unit consistent with the general plan for the unit, or the state park system, as applicable.

(3) Capital improvements or changes in the use of the unit by the county or city shall be subject to approval by the department.

(4) The agreement shall not limit or impair the ability of the county or city to work collaboratively with other local governments to operate and manage the unit, with the approval of the department.

(5) The department and the county or city shall agree to the length of the term for which the county or city will operate and manage the unit, which shall not be less than one year and not longer than five years. At the conclusion of the agreement term, the department and the county or city may enter into another agreement pursuant to this section.

SEC. 2. (a) The Department of Parks and Recreation may expend any remaining funds from moneys appropriated to the department pursuant to Section 4 of Chapter 689 of the Statutes of 2008 for a grant to the California State Railroad Museum Foundation for expenditure, until June 30, 2013, for the core, shell, and site and track rehabilitation and development of the erecting shop and the boiler shop at the California State Railroad Museum site. The grant agreement shall include provisions that require the grantee to conduct due diligence appropriate for this transaction, as determined in consultation with the Department of Finance.

(b) Upon completion of the erecting shop and the boiler shop core, shell, and site and track rehabilitation and development, the California State Railroad Museum Foundation shall make the facility available, at no cost, for use by the Department of Parks and Recreation as a part of the California State Railroad Museum.

(c) Ten years after completion of the erecting shop and the boiler shop core, shell, and site and track rehabilitation and development, the California State Railroad Museum Foundation shall transfer the title to the site and facility, at no cost, to the State of California,

Department of Parks and Recreation, subject to approvals from the State Public Works Board and the Director of Finance.

Approved _____, 2011

Governor