

**ASSEMBLY BILL**

**No. 1716**

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**Introduced by Assembly Members McCarty and Cooley**  
(Coauthor: Senator Pan)

January 27, 2016

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An act to add Division 22.2 (commencing with Section 32280) to the Public Resources Code, relating to the Lower American River Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1716, as introduced, McCarty. Lower American River Conservancy.

Existing law establishes various conservancies in the Natural Resources Agency to acquire, manage, direct the management of, and conserve public lands in the state.

This bill would establish in the Natural Resources Agency the Lower American River Conservancy to receive and expend proceeds from bonds or other appropriations for the benefit of the American River Parkway, as defined. The bill would create the Lower American River Conservancy Fund in the State Treasury, and would specify that moneys in the fund shall be available, upon appropriation, for the purposes of the conservancy.

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. Division 22.2 (commencing with Section 32280)
- 2 is added to the Public Resources Code, to read:

1 DIVISION 22.2. LOWER AMERICAN RIVER  
2 CONSERVANCY  
3

4 32280. This division shall be known, and may be cited, as the  
5 Lower American River Conservancy Act.

6 32280.1. The Legislature finds and declares all of the following:

7 (a) The lower American River is one of California's most  
8 important natural environments, providing recreational,  
9 environmental, and educational opportunities to more than  
10 8,000,000 visitors each year. It also serves as a unique urban  
11 greenbelt composed of more than 5,000 acres and lying  
12 immediately adjacent to, and within, two incorporated cities and  
13 the unincorporated County of Sacramento.

14 (b) The American River Parkway includes natural and  
15 recreational resources of statewide interest and is often referred  
16 to as "the jewel" of the Sacramento region, and it is managed as  
17 such with an intent to fulfill the vision set forth through past  
18 collaborative efforts involving advocates and stakeholders, the  
19 County of Sacramento, and the Legislature.

20 (c) The American River Parkway was established by the County  
21 of Sacramento, with financial support from the state and other  
22 public and private entities.

23 (d) Since establishing it, the County of Sacramento has  
24 continued to own, manage, operate, and patrol the American River  
25 Parkway's lands and resources.

26 (e) The American River Parkway provides additional benefits  
27 to the state and the Sacramento region including flood control,  
28 water supply, water quality, habitat for anadromous fisheries,  
29 including salmon and steelhead, habitat for migratory waterfowl  
30 and other wildlife, and others.

31 (f) The Legislature recognized the statewide importance of the  
32 American River Parkway in enacting the Urban American River  
33 Parkway Preservation Act (Chapter 10 (commencing with Section  
34 5840) of Division 5), which culminated with the adoption of the  
35 American River Parkway Plan.

36 (g) The state has an interest in assisting local agencies in  
37 expanding, enhancing, and restoring the natural, recreational, and  
38 educational resources in, and adjacent to, the American River  
39 Parkway.

1 (h) The establishment of the Lower American River  
2 Conservancy can provide a state partner to work cooperatively  
3 with local agencies, particularly the County of Sacramento, and  
4 nonprofit organizations to help fund projects and provide grants  
5 to restore, enhance, interpret, protect, and increase public access  
6 to the American River Parkway’s natural, recreational, educational,  
7 and cultural resources.

8 32280.5. For purposes of this division, the following terms  
9 have the following meanings:

10 (a) “American River Parkway” means the area described in the  
11 American River Parkway Plan.

12 (b) “American River Parkway Plan” has the same meaning as  
13 in subdivision (a) of Section 5841.

14 (c) “Conservancy” means the Lower American River  
15 Conservancy established by this division.

16 (d) “Governing board” means the governing board of the  
17 conservancy.

18 (e) “Nonprofit organization” means any private, nonprofit  
19 organization, with nonprofit status acknowledged by the United  
20 States Internal Revenue Service, that qualifies under Section  
21 501(c)(3) of the United States Internal Revenue Code, as amended,  
22 and that has among its principal charitable purposes the  
23 preservation, restoration, or interpretation of land for scientific,  
24 historic, educational, recreational, scenic, or open-space purposes,  
25 the protection of the natural environment or biological resources,  
26 or both, or the preservation or enhancement of wildlife, or both.

27 32281. (a) There is in the Natural Resources Agency the Lower  
28 American River Conservancy, which is created for the purpose of  
29 receiving and expending proceeds from bonds or other  
30 appropriations made in the annual Budget Act or other statutes,  
31 for the benefit of the American River Parkway.

32 (b) To the extent permissible under this division, the  
33 conservancy shall prioritize expending funds for purposes of  
34 developing and implementing a Natural Resource Management  
35 Plan and improving access to and protection of the American River  
36 Parkway.

37 32281.5. (a) The governing board shall consist of the following  
38 members:

1 (1) Three members of the Board of Supervisors of the County  
2 of Sacramento, selected by a majority vote of the Board of  
3 Supervisors.

4 (2) Two representatives of the City of Sacramento, which may  
5 include the Mayor and one member of the City Council of the City  
6 of Sacramento, or two members of the City Council, selected by  
7 a majority vote of the City Council.

8 (3) The Mayor or a member of the City Council of the City of  
9 Rancho Cordova, selected by a majority vote of the City Council.

10 (4) The Secretary of the Natural Resources Agency, or his or  
11 her designee.

12 (5) The Director of Finance, or his or her designee.

13 (6) The Director of Parks and Recreation, or his or her designee.

14 (7) The Director of Fish and Wildlife, or his or her designee.

15 (8) The Executive Director of the Wildlife Conservation Board,  
16 or his or her designee.

17 (9) The Executive Officer of the State Lands Commission, or  
18 his or her designee.

19 (10) Three members from the public at large, one appointed by  
20 the Governor, one appointed by the Senate Committee on Rules,  
21 and one appointed by the Speaker of the Assembly.

22 (b) Public-at-large members appointed pursuant to paragraph  
23 (10) of subdivision (a) may serve for one or more four-year terms.

24 (c) Members appointed pursuant to paragraphs (1) to (3),  
25 inclusive, of subdivision (a) shall serve at the pleasure of their  
26 appointing authority.

27 (d) All members of the governing board shall be voting  
28 members.

29 (e) A person shall not continue as a member of the governing  
30 board if that person ceases to hold the office that qualifies that  
31 person for membership. In that event, the person’s membership  
32 on the governing board shall automatically terminate.

33 32282. The members of the governing board who are not  
34 full-time public employees may be compensated for attendance at  
35 regular meetings of the conservancy at the rate of one hundred  
36 dollars (\$100) per regular meeting, not to exceed 12 regular  
37 meetings a year. All members of the governing board may be  
38 reimbursed the actual amount of the reasonable and necessary  
39 expenditures incurred in attending meetings of the conservancy  
40 and carrying out the duties of their office.

1 32282.5. The governing board shall elect from its own members  
2 a chairperson and vice chairperson, whose terms of office shall be  
3 two years, and who may serve more than one term. In the event  
4 of a vacancy, a new chairperson or vice chairperson may be elected  
5 by the governing board before the expiration of the two-year term  
6 to fill out the remainder of that two-year term.

7 32283. The governing board shall meet at least once each  
8 quarter at one or more locations within Sacramento County. A  
9 majority of the membership of the governing body shall constitute  
10 a quorum for the transaction of the business of the conservancy.  
11 If a quorum is present, a majority vote of the members present is  
12 sufficient to transact the business of the governing board. Meetings  
13 of the governing board shall be open to the public and subject to  
14 the Bagley-Keene Open Meeting Act (Chapter 9 (commencing  
15 with Section 54950) of Part 1 of Division 2 of Title 5 of the  
16 Government Code).

17 32284. The governing board shall adopt rules and procedures  
18 necessary to conduct its business.

19 32285. The conservancy shall do all of the following:

20 (a) Coordinate its activities with the County of Sacramento,  
21 each city that includes a portion of the American River Parkway,  
22 appropriate local and regional flood control districts, and relevant  
23 state agencies.

24 (b) Administer any funds appropriated to the conservancy or  
25 any revenues generated by the conservancy.

26 (c) Provide grants to the County of Sacramento for the  
27 development, update, adoption, and implementation of a Natural  
28 Resource Management Plan for the American River Parkway, and  
29 to other local agencies and nonprofit organizations whose projects  
30 are approved by the parkway manager for implementation of that  
31 plan.

32 32286. Consistent with the American River Parkway Plan, the  
33 conservancy may do any of the following:

34 (a) Provide grants to local public agencies and nonprofit  
35 organizations whose projects are approved by the parkway manager  
36 to be used for one or more of the following purposes:

37 (1) The acquisition, restoration, enhancement, and maintenance  
38 of fish and wildlife habitat and other natural resources, including  
39 resources impacted by wildfire, within and adjacent to, the  
40 American River Parkway.

- 1 (2) The improvement and expansion of public access facilities
- 2 including trails.
- 3 (3) The enhancement of interpretive and educational facilities
- 4 related to the American River Parkway and its natural, cultural,
- 5 and historic resources.
- 6 (b) Improve and enhance lands within, and adjacent to, the
- 7 American River Parkway.
- 8 (c) Design, implement, and provide grants to local agencies and
- 9 nonprofit organizations for multibenefit projects to capture
- 10 stormwater and improve water quality, enhance fish and wildlife
- 11 habitat, improve recreational areas, and increase water supply, or
- 12 a combination of those benefits, on lands within the American
- 13 River Parkway or lands adjacent to the American River Parkway
- 14 and within the boundaries of the County of Sacramento.
- 15 (d) Solicit grants, donations of in-kind services, and other
- 16 contributions from federal, state, and private sources for the
- 17 purposes of this division.
- 18 (e) Establish necessary advisory boards or committees related
- 19 to the purposes of this division.
- 20 32287. The conservancy shall not do any of the following:
- 21 (a) Fund or implement projects on lands without the written
- 22 consent of the landowner.
- 23 (b) Regulate the use of lands or waters not under the jurisdiction
- 24 of the conservancy.
- 25 (c) Levy any tax or special assessment.
- 26 (d) Provide grants or take other actions that are inconsistent
- 27 with the American River Parkway Plan or the Urban American
- 28 River Parkway Preservation Act (Chapter 10 (commencing with
- 29 Section 5840) of Division 5), including, but not limited to, a project
- 30 determined by the Board of Supervisors of the County of
- 31 Sacramento to be inconsistent with that plan or that act.
- 32 (e) Own or acquire land.
- 33 32290. The Lower American River Conservancy Fund is hereby
- 34 created in the State Treasury. Moneys in the fund shall be available,
- 35 upon appropriation, for the purposes of this division.
- 36 32291. Nothing in this act shall supersede or diminish the
- 37 existing authority of the County of Sacramento or any other entity
- 38 responsible for the management, operation, maintenance, or

- 1 protection of lands and resources within the American River
- 2 Parkway.

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