

AMENDED IN ASSEMBLY APRIL 26, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1716

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

January 27, 2016

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 amended, 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~~ create the Lower American River Conservancy *in the Natural Resources Agency* 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:

3
4
5
6

DIVISION 22.2. LOWER AMERICAN RIVER
CONSERVANCY

7 32280. This division shall be known, and may be cited, as the
8 Lower American River Conservancy Act.

9 32280.1. The Legislature finds and declares all of the following:

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

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

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

26 (d) Since establishing it, the County of Sacramento has
27 continued to own, manage, operate, and patrol the American River
28 Parkway’s lands and resources.

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

34 (f) The Legislature recognized the statewide importance of the
35 American River Parkway in enacting the Urban American River
36 Parkway Preservation Act (Chapter 10 (commencing with Section
37 5840) of Division 5), which culminated with the adoption of the
38 American River Parkway Plan.

1 (g) The state has an interest in assisting local agencies in
2 expanding, enhancing, and restoring the natural, recreational, and
3 educational resources ~~in, and adjacent to,~~ *in and adjacent to* the
4 American River Parkway.

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

12 32280.5. For purposes of this division, the following terms
13 have the following meanings:

14 (a) “American River Parkway” means the area described in the
15 American River Parkway Plan.

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

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

20 (d) “Governing board” means the governing board of the
21 conservancy.

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

31 32281. (a) ~~There is in the Natural Resources Agency the~~ *The*
32 ~~Lower American River Conservancy, which is created for the~~
33 ~~purpose of receiving and expending~~ *Conservancy is hereby created*
34 *in the Natural Resources Agency to receive and expend* proceeds
35 from bonds or other appropriations made in the annual Budget Act
36 or other ~~statutes,~~ *statutes* for the benefit of the American River
37 Parkway.

38 (b) To the extent permissible under this division, the
39 conservancy shall prioritize expending ~~funds for purposes of~~
40 ~~developing and implementing a Natural Resource Management~~

1 ~~Plan and improving~~ *moneys to develop and implement a natural*
2 *resource management plan and to improve access to and protection*
3 *of the American River Parkway.*

4 32281.5. (a) The governing board shall consist of the following
5 members:

6 (1) Three members of the Board of Supervisors of the County
7 of Sacramento, selected by a majority vote of the ~~Board of~~
8 ~~Supervisors~~; *board of supervisors.*

9 (2) Two representatives of the City of Sacramento, which may
10 include the Mayor and one member of the City Council of the City
11 of Sacramento, or two members of the ~~City Council~~; *city council,*
12 *selected by a majority vote of the ~~City Council~~; city council.*

13 (3) The Mayor or a member of the City Council of the City of
14 Rancho Cordova, selected by a majority vote of the ~~City Council~~;
15 *city council.*

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

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

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

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

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

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

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

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

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

33 (d) All members of the governing board shall be voting
34 members.

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

39 32282. The members of the governing board who are not
40 full-time public employees may be compensated for attendance at

1 regular meetings of the conservancy at the rate of one hundred
 2 dollars (\$100) per regular meeting, not to exceed 12 regular
 3 meetings a year. All members of the governing board may be
 4 reimbursed the actual amount of the reasonable and necessary
 5 expenditures incurred in attending meetings of the conservancy
 6 and carrying out the duties of their office.

7 32282.5. The governing board shall elect from its own members
 8 a ~~chairperson~~ *chair* and vice ~~chairperson~~, *chair*, whose terms of
 9 office shall be two years, and who may serve more than one term.
 10 In the event of a vacancy, a new ~~chairperson~~ *chair* or vice
 11 ~~chairperson~~ *chair* may be elected by the governing board before
 12 the expiration of the two-year term to fill ~~out~~ the remainder of that
 13 two-year term.

14 32283. The governing board shall meet at least once each
 15 quarter at one or more locations within ~~Sacramento County~~. *the*
 16 *County of Sacramento*. A majority of the membership of the
 17 governing body shall constitute a quorum for the transaction of
 18 the business of the conservancy. If a quorum is present, a majority
 19 vote of the members present is sufficient to transact the business
 20 of the governing board. Meetings of the governing board shall be
 21 open to the public and subject to the Bagley-Keene Open Meeting
 22 Act (~~Chapter 9 (commencing with Section 54950) of Part 1 of~~
 23 ~~Division 2 of Title 5 (Article 9 (commencing with Section 11120)~~
 24 ~~of Division 3 of Title 2 of the Government Code).~~

25 32284. The governing board shall adopt rules and procedures
 26 necessary to conduct its business.

27 32285. The conservancy shall do all of the following:

28 (a) Coordinate its activities with the County of Sacramento,
 29 each city that includes a portion of the American River Parkway,
 30 appropriate local and regional flood control districts, and relevant
 31 state agencies.

32 (b) *Consult with the County of Sacramento on whether the*
 33 *conservancy's actions are consistent with the American River*
 34 *Parkway Plan.*

35 (b)
 36 (c) Administer any ~~funds~~ *moneys* appropriated to the
 37 conservancy or any revenues generated by the conservancy.

38 (e)
 39 (d) Provide ~~grants~~ *funding and assistance* to the County of
 40 Sacramento for the development, update, adoption, and

1 implementation of a ~~Natural Resource Management Plan~~ *natural*
 2 *resource management plan* for the American River Parkway, and
 3 *grants* to other local agencies and nonprofit organizations ~~whose~~
 4 ~~projects are approved by the parkway manager~~ for implementation
 5 of that plan.

6 32286. Consistent with the American River Parkway Plan, the
 7 conservancy may do any of the following:

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

11 (1) The ~~acquisition~~, restoration, enhancement, and maintenance
 12 of fish and wildlife habitat and other natural resources, including
 13 resources impacted by wildfire, within and adjacent ~~to~~, *to* the
 14 American River Parkway.

15 (2) The improvement and expansion of public access facilities
 16 including trails.

17 (3) The enhancement of interpretive and educational facilities
 18 related to the American River Parkway and its natural, cultural,
 19 and historic resources.

20 (b) Improve and enhance lands ~~within~~, *within* and adjacent ~~to~~,
 21 *to* the American River Parkway.

22 (c) Design, implement, and provide grants to local agencies and
 23 nonprofit organizations for multibenefit projects to capture
 24 stormwater and improve water quality, enhance fish and wildlife
 25 habitat, improve recreational areas, and increase water supply, or
 26 a combination of those benefits, on lands ~~within the American~~
 27 ~~River Parkway~~ or lands adjacent to the American River Parkway
 28 and within the boundaries of the County of Sacramento.

29 (d) Solicit grants, donations of in-kind services, and other
 30 contributions from federal, state, and private sources for the
 31 purposes of this division.

32 (e) Establish necessary advisory boards or committees related
 33 to the purposes of this division.

34 32287. The conservancy shall not do any of the following:

35 (a) Fund or implement projects on lands without the written
 36 consent of the landowner.

37 (b) Regulate the use of lands or ~~waters not under the jurisdiction~~
 38 ~~of the conservancy~~: *waters*.

39 (c) Levy any tax or special assessment.

1 (d) Provide grants or take other actions that are inconsistent
2 with the American River Parkway Plan or the Urban American
3 River Parkway Preservation Act (Chapter 10 (commencing with
4 Section 5840) of Division 5), ~~including, but not limited to, a project~~
5 ~~determined by the Board of Supervisors of the County of~~
6 ~~Sacramento to be inconsistent with that plan or that act. 5).~~

7 (e) Own or acquire land.

8 32290. The Lower American River Conservancy Fund is hereby
9 created in the State Treasury. Moneys in the fund shall be available,
10 upon appropriation, for the purposes of this division.

11 32291. Nothing in this act shall supersede or diminish the
12 existing authority of the County of Sacramento or any other entity
13 responsible for the management, operation, maintenance, or
14 protection of lands and resources within the American River
15 Parkway.