

AMENDED IN SENATE MARCH 30, 2000

**SENATE BILL**

**No. 1625**

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**Introduced by Senator Murray**

*(Principal coauthor: Assembly Member Wesson)*

***(Coauthors: Senators Hughes and Solis)***

*(Coauthors: Assembly Members Longville and Wright)*

February 22, 2000

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An act to add Division 22.7 (commencing with Section 32550) to the Public Resources Code, relating to the Baldwin Hills Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

SB 1625, as amended, Murray. Baldwin Hills Conservancy.

Existing law authorizes various conservancies to acquire, manage, and conserve public lands in the state.

This bill would establish the Baldwin Hills Conservancy to acquire and manage public lands within the Baldwin Hills area of Los Angeles County, as defined, and would prescribe the management, powers, and duties 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 22.7 (commencing with  
2 Section 32550) is added to the Public Resources Code, to  
3 read:  
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DIVISION 22.7. BALDWIN HILLS CONSERVANCY ACT

CHAPTER 1. GENERAL PROVISIONS

32550. This division shall be known, and may be cited, as the Baldwin Hills Conservancy Act.

32551. The Legislature hereby finds and declares that the Baldwin Hills area within the County of Los Angeles and the cities of Los Angeles and Culver City constitutes an area with unique and important cultural, scientific, educational, recreational, and scenic resources, and includes land with the highest elevation in the Los Angeles Basin. The Baldwin Hills area is the last remaining urban open space that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations.

CHAPTER 2. DEFINITIONS

32553. As used in this division, the following terms have the following meaning:

(a) "Baldwin Hills area" means the land area currently within the Kenneth Hahn State Recreation Area, the Baldwin Hills community, and the surrounding property bordered on the north by Rodeo Road beginning at La Brea Avenue, on the west by Jefferson Boulevard, on the south by Slausen Avenue, on the east by La Brea Avenue, and including a spur of land extending from Stocker Avenue to an area between La Brea Avenue and Crenshaw Boulevard.

(b) "Board" means the governing board of the Baldwin Hills Conservancy.

(c) "Conservancy" means the Baldwin Hills Conservancy.

(d) "Nonprofit organization" means an exempt organization under Section 501(c)(3) of the Internal Revenue Code.

(e) "Territory" means the land in the Baldwin Hills area that is under the jurisdiction of the conservancy.



CHAPTER 3. CONSERVANCY

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32555. There is in the Resources Agency, the Baldwin Hills Conservancy, which is created for the following purposes:

(a) To acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open-space, wildlife habitat restoration and protection, and lands for educational uses within the area.

(b) To acquire open-space lands within the territory of the conservancy.

(c) To provide for the public's enjoyment, and to enhance the recreational and educational experience on public lands in the territory in a manner consistent with the protection of lands and resources in the area.

32556. (a) The board shall consist of ~~seven~~ *nine* voting members and four ex officio nonvoting members.

(b) The ~~seven~~ *nine* voting members of the board shall consist of the following:

(1) The Secretary of the Resources Agency, or his or her designee.

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

(3) Five members of the public appointed by the Governor who are residents of Los Angeles County selected from a list of prominent members of the community who shall represent the diversity of the surrounding community. National, state, and local recreational and environmental organizations that operate within Los Angeles County may submit recommendations of persons to serve to the Governor for his or her consideration.

*(4) One member appointed by the Speaker of the Assembly, and one member appointed by the Senate Committee on Rules.*

(c) The four Ex Officio nonvoting members shall consist of the following:

(1) The Executive Officer of the Wildlife Conservation Board, or his or her designee.



1 (2) The Director of the Los Angeles County  
2 Department of Parks, or his or her designee.

3 (3) The Executive Officer of the State Coastal  
4 Conservancy, or his or her designee.

5 (4) The Chief of the Division of State Lands in the  
6 Resources Agency, or his or her designee.

7 (d) A quorum shall consist of ~~four~~ *five* voting members  
8 of the board, and any action of the board affecting any  
9 matter before the board shall be decided by a majority  
10 vote of the voting members present, a quorum being  
11 present. However, the affirmative vote of at least ~~three~~  
12 *four* of the voting members of the board shall be required  
13 for the transaction of any business of the board.

14 32557. (a) The voting members of the board shall  
15 serve for two-year terms. Any vacancy on the board shall  
16 be filled within 60 days from its occurrence by the  
17 appointing authority.

18 (b) No person shall continue as a member of the board  
19 if that person ceases to hold the office that qualifies that  
20 person for board membership. Upon the occurrence of  
21 that event, that person's membership on the board shall  
22 automatically terminate.

23 32558. The chairperson of the board shall be chosen  
24 by a majority of the voting members of the board.

25 32559. The conservancy may employ an executive  
26 officer and other staff to perform those functions that  
27 cannot be provided by volunteers.

28 32560. All meetings of the board shall be subject to the  
29 requirements of the Ralph M. Brown Act (Chapter 9  
30 (commencing with Section 54950) of Part 1 of Division 2  
31 of Title 5 of the Government Code).

32 32561. All members shall receive reimbursement for  
33 actual, necessary, and reasonable expenses. Any member  
34 of the board who is not a full-time public employee shall  
35 be compensated at a rate not to exceed seventy-five  
36 dollars (\$75) per regular meeting, not to exceed 12  
37 regular meetings a year. Any member of the board may  
38 waive compensation.

39 32562. The conservancy shall obtain and maintain  
40 adequate liability insurance or its equivalent for acts or



1 omissions of the conservancy's agents, employees,  
2 volunteers, and servants.

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CHAPTER 4. POWERS AND DUTIES

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6 32565. The jurisdiction of the conservancy includes  
7 those lands or other areas that are donated to, or  
8 otherwise acquired by, or are operated by the  
9 conservancy, that are located in the Baldwin Hills area.

10 32566. The conservancy may manage, operate,  
11 administer, and maintain the lands and facilities it  
12 acquires in accordance with the purposes set forth in  
13 Section 32555. The conservancy may adopt regulations  
14 governing the use by the public of conservancy lands and  
15 facilities and may provide for the enforcement of those  
16 regulations.

17 32567. The conservancy may determine acquisition  
18 priorities and may acquire real property or any interest  
19 in real property within the Baldwin Hills area from  
20 willing sellers and at fair market value or on other  
21 mutually acceptable terms, upon a finding that the  
22 acquisition is consistent with the purposes of the  
23 conservancy. The conservancy may acquire the property  
24 itself, or may coordinate the acquisition with other public  
25 agencies with appropriate responsibility and available  
26 funding or land to exchange. The overall objectives of the  
27 land acquisition program shall be to assist in  
28 accomplishing land transactions that are mutually  
29 beneficial to the landowners and the conservancy, and  
30 that meet the conservancy's purposes. Neither the  
31 conservancy nor the State Board of Public Works shall  
32 exercise the power of eminent domain for the purposes  
33 of this division. All acquisitions of land shall conform to all  
34 relevant general and specific plans and zoning  
35 regulations of local agencies within the territory of the  
36 conservancy.

37 32568. The conservancy may undertake site  
38 improvement projects; regulate public access; revegetate  
39 and otherwise rehabilitate degraded areas, in  
40 consultation with other public agencies with appropriate



1 jurisdiction and expertise; upgrade deteriorating  
2 facilities; and construct new facilities as needed for  
3 outdoor recreation, nature appreciation and  
4 interpretation, and natural resource protection. These  
5 projects may be undertaken by the conservancy itself or  
6 by other public agencies, with the conservancy providing  
7 overall coordination through setting priorities for  
8 projects and assuring uniformity of approach.

9 32569. (a) The conservancy may award grants to  
10 local public agencies, state agencies, federal agencies, and  
11 nonprofit organizations for the purposes of this division.

12 (b) Grants to nonprofit organizations for the  
13 acquisition of real property or interests in real property  
14 shall be subject to all of the following conditions:

15 (1) The purchase price of any interest in land acquired  
16 by the nonprofit organization may not exceed fair market  
17 value as established by an appraisal approved by the  
18 conservancy.

19 (2) The conservancy shall approve the terms under  
20 which the interest in land is acquired.

21 (3) The interest in land acquired pursuant to a grant  
22 from the conservancy may not be used as security for any  
23 debt incurred by the nonprofit organization unless the  
24 conservancy approves the transaction.

25 (4) The transfer of land acquired pursuant to a grant  
26 shall be subject to the approval of the conservancy and  
27 the execution of an agreement between the conservancy  
28 and the transferee sufficient to protect the interests of the  
29 conservancy.

30 (5) The conservancy shall have a right of entry and  
31 power of termination in and over all interests in real  
32 property acquired with state funds, which may be  
33 exercised if any essential term or condition of the grant  
34 is violated.

35 (6) If the existence of the nonprofit organization is  
36 terminated for any reason, title to all interest in real  
37 property acquired with state funds shall immediately vest  
38 in the conservancy, except that, prior to that termination,  
39 another public agency or nonprofit organization may  
40 receive title to all or a portion of that interest in real



1 property, by recording its acceptance of title, together  
2 with the conservancy's approval, in writing.

3 (c) Any deed or other instrument of conveyance  
4 whereby real property is acquired by a nonprofit  
5 organization pursuant to this section shall be recorded  
6 and shall set forth the executory interest or right of entry  
7 on the part of the conservancy.

8 32570. (a) Notwithstanding any other provision of  
9 law, the conservancy may lease, rent, sell, exchange, or  
10 otherwise transfer any real property or interest therein or  
11 option acquired under this division to a local public  
12 agency, state agency, federal agency, nonprofit  
13 organization, individual, or other entity for management  
14 purposes pursuant to terms and conditions approved by  
15 the conservancy. The conservancy may request the  
16 Director of General Services to undertake these actions  
17 on its behalf.

18 (b) The conservancy may initiate, negotiate, and  
19 participate in agreements for the management of land  
20 under its ownership or control with local public agencies,  
21 state agencies, federal agencies, nonprofit organizations,  
22 individuals, or other entities and may enter into any other  
23 agreements authorized by state or federal law.

24 32571. The conservancy shall coordinate the activities  
25 of state and local public agencies and private entities  
26 interested in the Baldwin Hills area and its resources.  
27 State and local public agencies shall retain title to any land  
28 owned within the boundaries of the Baldwin Hills area.  
29 Local public agencies may enter into an agreement to  
30 transfer responsibility for the management of the land to  
31 the conservancy. Where there is no state or local public  
32 agency with operating and management responsibility  
33 over the land, the conservancy shall exercise that  
34 responsibility. Local public agencies shall retain exclusive  
35 authority over all zoning or land use regulations within  
36 their jurisdiction.

37 32572. The conservancy shall close to the public any  
38 lands or facilities that the conservancy is unable to  
39 maintain in a clean and safe manner or that is necessary



1 to adequately protect the wildlife and rights of adjacent  
2 property owners.

3 32573. The conservancy shall do all of the following:

4 (a) Establish policies and priorities regarding the  
5 territory within the Baldwin Hills area, and conduct any  
6 necessary planning activities in accordance with the  
7 purposes set forth in Section 32555.

8 (b) Give priority to related projects that create  
9 expanded opportunities for recreation, aesthetic  
10 improvement, and wildlife habitat in the Baldwin Hills  
11 area.

12 (c) Approve conservancy-funded projects that  
13 advance the policies and priorities set forth in this  
14 division.

15 (d) Prepare a Baldwin Hills Open-Space and  
16 Recreation Plan that includes all of the following:

17 (1) A determination of the policies and priorities for  
18 the conservation of the territory.

19 (2) A plan for incorporating, as relevant, the principles  
20 and plans necessary to accomplish the goals of the master  
21 plans prepared for the Kenneth Hahn State Recreation  
22 Area pursuant to subdivisions (b) and (c) of Section 1 of  
23 Chapter 752 of the Statutes of 1999.

24 (3) A description of underused existing public open  
25 spaces, and recommendations for providing for better  
26 public use and enjoyment in the open spaces identified in  
27 the plan.

28 (4) A description of, and a priority program for  
29 implementing, additional recreational and open-space  
30 needs, including additional or upgraded facilities and  
31 parks that may be necessary or desirable.

32 32574. The board may adopt regulations for the  
33 protection and management of native riparian  
34 vegetation, wildlife, and other natural resources, and for  
35 the protection of archeological sites.

36 32575. The conservancy shall administer any funds  
37 appropriated to it and any revenue generated by public  
38 agencies for the Baldwin Hills area and contributed to the  
39 conservancy, and may expend those funds for capital  
40 improvements, land acquisition, or support of the



1 conservancy's operations. Subject to Section 11005 of the  
2 Government Code, the conservancy may also accept any  
3 revenue, money, grants, goods, or services contributed to  
4 the conservancy by any public agency, private entity, or  
5 person, and, upon receipt, may expend any such revenue,  
6 money, or grants for capital improvements, land  
7 acquisitions, or support of the conservancy's operations.

8 32576. The conservancy may recruit and coordinate  
9 volunteers and experts to conduct interpretive and  
10 recreational programs and to assist with conservancy  
11 projects and the maintenance of conservancy lands.

12 32577. The conservancy shall facilitate and coordinate  
13 the activities of its employees with personnel of the  
14 Department of Parks and Recreation, the Department of  
15 Fish and Game, and local law enforcement and rescue  
16 agencies.

17 32578. The conservancy shall have, and may exercise,  
18 all rights and powers, expressed or implied, necessary to  
19 carry out the purposes of this division, except as otherwise  
20 provided.

21 32579. (a) The conservancy may sue and be sued.

22 (b) The conservancy may enter into contracts and  
23 joint powers agreements with public agencies, private  
24 entities, and persons necessary for the proper discharge  
25 of the conservancy's duties.

26 32580. (a) The conservancy shall be deemed a local  
27 agency for, but only for, the purposes of any provision of  
28 law authorizing local agencies to borrow money and incur  
29 indebtedness. The conservancy may fix and collect fees  
30 for the use by the public of any lands owned or controlled  
31 by the conservancy. No fee shall exceed the cost of  
32 providing the service for which the fee is charged.

33 (b) The fee revenue shall be deposited in the Baldwin  
34 Hills Conservancy Fund, which is hereby created in the  
35 State Treasury. The money in the fund shall be expended  
36 by the conservancy, upon appropriation by the  
37 Legislature, for the purposes of this division.

38 SEC. 2. Not later than January 1, 2012, the Legislature  
39 shall review the effectiveness and progress of the Baldwin  
40 Hills Conservancy established pursuant to Division 22.7



1 (commencing with Section 32550) of the Public  
2 Resources Code in acquiring and developing open-space  
3 land in the Baldwin Hills area, as defined in subdivision  
4 (a) of Section 32553 of the Public Resources Code, and  
5 determine whether the land under the jurisdiction of the  
6 conservancy should be transferred to the Department of  
7 Parks and Recreation for inclusion in the State Park  
8 System.

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