

AMENDED IN ASSEMBLY AUGUST 25, 2000

AMENDED IN ASSEMBLY JUNE 15, 2000

AMENDED IN SENATE MARCH 30, 2000

SENATE BILL

No. 1625

Introduced by Senator Murray

(Principal coauthor: Assembly Member Wesson)

(Coauthors: Senators Hughes and Solis)

(Coauthors: Assembly Members Longville and Wright)

February 22, 2000

An act to add *and repeal* Division 22.7 (commencing with Section 32550) ~~to~~ of 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 direct the management of, and conserve public lands in the state.

This bill would, *until January 1, 2008*, establish the Baldwin Hills Conservancy to acquire and direct the management of public lands within the Baldwin Hills area of Los Angeles County, as defined, and would prescribe the management, powers, and duties of the conservancy.

The bill would require the Legislative Analyst, not later than December 31, 2006, to review the effectiveness of the conservancy in acquiring and developing open-space land and recreational opportunities in the Baldwin Hills area, and

to submit to the Legislature a report on specified matters concerning 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:

4
5 DIVISION 22.7. BALDWIN HILLS CONSERVANCY
6 ACT

7
8 CHAPTER 1. GENERAL PROVISIONS
9

10 32550. This division shall be known, and may be cited,
11 as the Baldwin Hills Conservancy Act.

12 ~~32551. The Legislature hereby finds and declares that~~
13 ~~the Baldwin Hills area within the County of Los Angeles~~
14 ~~and the cities of Los Angeles and Culver City constitutes~~
15 ~~an area with unique and important cultural, scientific,~~
16 ~~educational, recreational, and scenic resources, and~~
17 ~~includes land with the highest elevation in the Los~~
18 ~~Angeles Basin. As one of the last remaining urban open~~
19 ~~spaces in Los Angeles County, the Baldwin Hills area~~
20 ~~should be held in trust to be preserved and enhanced for~~
21 ~~the enjoyment of, and appreciation by, present and~~
22 ~~future generations.~~

23 *32551. The Legislature hereby finds and declares all*
24 *of the following:*

25 *(a) The Baldwin Hills area within the County of Los*
26 *Angeles and the cities of Los Angeles and Culver City*
27 *constitutes an area with unique and important cultural,*
28 *scientific, educational, recreational, and scenic resources,*
29 *and includes land with the highest elevation in the Los*
30 *Angeles Basin.*

31 *(b) The state recognized the importance of, and the*
32 *need for, recreational venues in this area by purchasing*
33 *and establishing the Kenneth Hahn State Recreation*



1 Area in 1983, which is under the jurisdiction of the
2 Department of Parks and Recreation. The County of Los
3 Angeles operates the state recreation area pursuant to a
4 contract with the Department of Parks and Recreation.

5 (c) In recognition of the evolving community needs in
6 the Baldwin Hills area, in 1999 the Legislature directed
7 the review and revision of the master plan for the existing
8 state recreation area as well as the acquisition of other
9 lands in the Baldwin Hills.

10 (d) As one of the last remaining urban open spaces in
11 Los Angeles County, the Baldwin Hills area should be
12 held in trust to be preserved and enhanced for the
13 enjoyment of, and appreciation by, present and future
14 generations.

15 (e) The Baldwin Hills Conservancy should be created
16 to develop and coordinate an integrated program of
17 resources stewardship so that the Baldwin Hills area is
18 managed for its optimum recreational and natural
19 resource values based upon the needs and desires of the
20 surrounding community.

21
22 CHAPTER 2. DEFINITIONS
23

24 32553. As used in this division, the following terms
25 have the following meaning:

26 (a) “Baldwin Hills area” means the land area currently
27 within the Kenneth Hahn State Recreation Area, the
28 Baldwin Hills community, the surrounding property
29 ~~bordered on the north by Rodeo Road beginning at La~~
30 ~~Brea Avenue, on the south by Slausen Avenue, and on the~~
31 ~~east by La Brea Avenue, a spur of land extending from~~
32 ~~Stocker Avenue to an area between La Brea Avenue and~~
33 ~~Crenshaw Boulevard, and including Ballona Creek and~~
34 *bordered on the south by Slausen Avenue, and on the east*
35 *by La Brea Avenue, and including a spur of land*
36 *extending from Stocker Avenue to an area between La*
37 *Brea Avenue and Crenshaw Boulevard, and including*
38 *Ballona Creek and adjacent property within one-quarter*
39 *mile of Ballona Creek on either side, from the Santa*



1 Monica Freeway (Interstate 10) to the Marina Freeway
2 (Interstate 90).

3 (b) “Board” means the governing board of the
4 Baldwin Hills Conservancy.

5 (c) “Conservancy” means the Baldwin Hills
6 Conservancy.

7 (d) “Fund” means the Baldwin Hills Conservancy
8 Fund created pursuant to subdivision (b) of Section
9 32574.

10 (e) “Nonprofit organization” means an exempt
11 organization under Section 501(c)(3) of the Internal
12 Revenue Code.

13 ~~(e)~~

14 (f) “Territory” means the land in the Baldwin Hills
15 area that is under the jurisdiction of the conservancy.

16

17 CHAPTER 3. CONSERVANCY

18

19 32555. There is in the Resources Agency, the Baldwin
20 Hills Conservancy, which is created for the following
21 purposes:

22 (a) To acquire and ~~direct the management of~~ manage
23 public lands within the Baldwin Hills area, and to provide
24 recreational, open-space, wildlife habitat restoration and
25 protection, and lands for educational uses within the area.

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

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

32 32556. (a) The board shall consist of nine voting
33 members and ~~five~~ six nonvoting members.

34 (b) The nine voting members of the board shall consist
35 of the following:

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

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

40 (3) The Director of Finance, or his or her designee.



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

3 (5) Three members of the public appointed by the
4 Governor who are residents of Los Angeles County
5 selected from a list of prominent members of the
6 community who shall represent the diversity of the
7 surrounding community.

8 (6) A resident of Los Angeles County appointed by the
9 Speaker of the Assembly, and a resident of Los Angeles
10 County appointed by the Senate Committee on Rules.

11 (c) The ~~five~~ *six* nonvoting members shall consist of the
12 following:

13 (1) The Secretary of the California Environmental
14 Protection Agency, or his or her designee.

15 ~~(2) The Executive Officer of the Wildlife
16 Conservation Board, or his or her designee.~~

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

19 ~~(4) The Executive Officer of the State Lands
20 Commission, or his or her designee.~~

21 ~~(5) An appointee of the Governor with experience in
22 developing contaminated sites, commonly referred to as
23 "brownfields."~~

24 *(2) The Executive Officer of the State Coastal
25 Conservancy, or his or her designee.*

26 *(3) The Executive Officer of the State Lands
27 Commission, or his or her designee.*

28 *(4) An appointee of the Governor with experience in
29 developing contaminated sites, commonly referred to as
30 "brownfields."*

31 *(5) The Executive Director of the Santa Monica
32 Mountains Conservancy, or his or her designee.*

33 *(6) The Director of the Culver City Department of
34 Parks and Recreation.*

35 (d) A quorum shall consist of five voting members of
36 the board, and any action of the board affecting any
37 matter before the board shall be decided by a majority
38 vote of the voting members present, a quorum being
39 present. However, the affirmative vote of at least four of



1 the voting members of the board shall be required for the
2 transaction of any business of the board.

3 32557. (a) The voting members of the board shall
4 serve for two-year terms. Any vacancy on the board shall
5 be filled within 60 days from its occurrence by the
6 appointing authority.

7 (b) No person shall continue as a member of the board
8 if that person ceases to hold the office that qualifies that
9 person for board membership. Upon the occurrence of
10 that event, that person’s membership on the board shall
11 automatically terminate.

12 32558. The chairperson and vice-chairperson of the
13 board shall be selected by a majority of the voting
14 members of the board for one-year terms.

15 32559. The conservancy may employ an executive
16 officer and other staff to perform those functions that
17 cannot be provided by volunteers.

18 32560. All meetings of the board shall be subject to the
19 requirements of the Ralph M. Brown Act (Chapter 9
20 (commencing with Section 54950) of Part 1 of Division 2
21 of Title 5 of the Government Code).

22 32561. All members shall receive reimbursement for
23 actual, necessary, and reasonable expenses. Any member
24 of the board who is not a full-time public employee shall
25 be compensated at a rate not to exceed ~~seventy-five~~
26 ~~dollars—(\$75)~~ *one hundred dollars (\$100)* per regular
27 meeting, not to exceed 12 regular meetings a year. Any
28 member of the board may waive compensation.

29 32562. The conservancy shall obtain and maintain
30 adequate liability insurance or its equivalent for acts or
31 omissions of the conservancy’s agents, employees,
32 volunteers, and servants.

33

34 CHAPTER 4. POWERS AND DUTIES

35

36 32565. The jurisdiction of the conservancy includes
37 those lands or other areas that are donated to, or
38 otherwise acquired by, or are operated by the
39 conservancy, that are located in the Baldwin Hills area.

40 32565.5. *The conservancy shall do all of the following:*



1 (a) Develop and coordinate an integrated program of
2 resource stewardship so that the entire Baldwin Hills area
3 is managed for optimum recreational and natural
4 resource values based upon the needs and desires of the
5 surrounding community.

6 (b) Establish policies and priorities within the Baldwin
7 Hills area, and conduct any necessary planning activities
8 in accordance with the purposes set forth in Section
9 32555.

10 (c) Give priority to related projects that create
11 expanded opportunities that provide recreation,
12 aesthetic improvement, and wildlife habitat in the
13 Baldwin Hills area.

14 (d) Approve conservancy funded projects that
15 advance the policies and proprieties set forth in this
16 division.

17 (e) Enter into a memorandum of understanding with
18 the Department of Parks and Recreation that would
19 require the conservancy and the department to
20 cooperate in the sharing of technical assistance, data, and
21 information.

22 (f) Upon submission to the Legislature of the master
23 plan required to be prepared pursuant to subdivisions (b)
24 and (c) of Section 1 of Chapter 752 of the Statutes of 1999
25 by the Secretary of the Resources Agency and the
26 Director of Parks and Recreation, the conservancy shall,
27 by May 1, 2002, approve the master plan, and prioritize
28 and implement both of the following in accordance with
29 the master plan and with the master plan
30 recommendations:

31 (1) The acquisition of additional recreational and open
32 space and a plan for the management of lands under the
33 jurisdiction of the conservancy, including additional or
34 upgraded facilities and parks that may be necessary or
35 desirable.

36 (2) The planned conveyance of lands acquired and
37 restored, or lands acquired, restored, and developed, to
38 the Department of Parks and Recreation or to any other
39 public agency once the acquisition and improvements
40 have been finalized. Any such transfer shall be subject to



1 *the approval of the Secretary of the Resources Agency.*
2 *The secretary may require all lands and facilities subject*
3 *to transfer to be repaired, replaced, or rehabilitated to a*
4 *fully operable condition, prior to the transfer occurring.*

5 (g) *Review and approve any operating agreement or*
6 *amendments to an existing operating agreement*
7 *between the Department of Parks and Recreation and*
8 *any local operating agency, including the County of Los*
9 *Angeles, for the Kenneth Hahn State Recreation Area.*
10 *Any proposed operating agreement or an amendment to*
11 *an agreement shall be submitted to the conservancy at*
12 *least 90 days prior to the proposed effective date of the*
13 *agreement and shall not become effective unless the*
14 *conservancy certifies, in writing, its approval of the*
15 *proposed agreement.*

16 32566. The conservancy may direct the management,
17 operation, administration, and maintenance of the lands
18 and facilities it acquires in accordance with the purposes
19 set forth in Section 32555. The conservancy may adopt
20 regulations governing the use by the public of
21 conservancy lands and facilities and may provide for the
22 enforcement of those regulations.

23 32567. The conservancy shall determine acquisition
24 priorities and may acquire real property or any interest
25 in real property within the Baldwin Hills area from
26 willing sellers and at fair market value or on other
27 mutually acceptable terms, upon a finding that the
28 acquisition is consistent with the purposes of the
29 conservancy. The conservancy may acquire the property
30 itself, or may coordinate the acquisition with other public
31 agencies with appropriate responsibility and available
32 funding or land to exchange. The overall objectives of the
33 land acquisition program shall be to assist in
34 accomplishing land transactions that are mutually
35 beneficial to the landowners and the conservancy, and
36 that meet the conservancy's purposes. Neither the
37 conservancy nor the State Board of Public Works shall
38 exercise the power of eminent domain for the purposes
39 of this division. The conservancy shall have the first right
40 of refusal to acquire public lands suitable for park and



1 open space within the conservancy's territory, and may
2 accept private or public lands offered for recreational
3 trails or private lands offered in satisfaction of delinquent
4 taxes owed on land located within the territory of the
5 conservancy.

6 32568. The conservancy ~~shall direct~~ *may undertake*
7 site improvement projects; regulate public access;
8 revegetate and otherwise rehabilitate degraded areas, in
9 consultation with other public agencies with appropriate
10 jurisdiction and expertise; upgrade deteriorating
11 facilities; and construct new facilities as needed for
12 outdoor recreation, nature appreciation and
13 interpretation, and natural resource protection. These
14 projects shall be directed by the conservancy and
15 undertaken by other public agencies, with the
16 conservancy providing overall coordination through
17 setting priorities for projects and assuring uniformity of
18 approach.

19 32569. (a) The conservancy may award grants to
20 local public agencies, state agencies, federal agencies, and
21 nonprofit organizations for the purposes of this division.

22 (b) Grants to nonprofit organizations for the
23 acquisition of real property or interests in real property
24 shall be subject to all of the following conditions:

25 (1) The conservancy may acquire property at fair
26 market value and consistent with the Property
27 Acquisition Law (Part 11 (commencing with Section
28 15850) of Division 3 of Title 2 of the Government Code),
29 except that the acquisition price of lands acquired from
30 public agencies shall be based on the public agencies' cost
31 to acquire the land.

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

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

38 (4) The transfer of land acquired pursuant to a grant
39 shall be subject to the approval of the conservancy and
40 the execution of an agreement between the conservancy



1 and the transferee sufficient to protect the interests of the
2 conservancy.

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

8 (6) If the existence of the nonprofit organization is
9 terminated for any reason, title to all interest in real
10 property acquired with state funds shall immediately vest
11 in the conservancy, except that, prior to that termination,
12 another public agency or nonprofit organization may
13 receive title to all or a portion of that interest in real
14 property, by recording its acceptance of title, together
15 with the conservancy's approval, in writing.

16 (c) Any deed or other instrument of conveyance
17 whereby real property is acquired by a nonprofit
18 organization pursuant to this section shall be recorded
19 and shall set forth the executory interest or right of entry
20 on the part of the conservancy.

21 32570. (a) Notwithstanding any other provision of
22 law, the conservancy may lease, rent, sell, exchange, or
23 otherwise transfer any real property or interest therein or
24 option acquired under this division to a local public
25 agency, state agency, federal agency, nonprofit
26 organization, individual, or other entity for management
27 purposes pursuant to terms and conditions approved by
28 the conservancy. The conservancy may request the
29 Director of General Services to undertake these actions
30 on its behalf.

31 (b) The conservancy may initiate, negotiate, and
32 participate in agreements for the management of land
33 under its ownership or control with local public agencies,
34 state agencies, federal agencies, nonprofit organizations,
35 individuals, or other entities and may enter into any other
36 agreements authorized by state or federal law.

37 ~~32571. The conservancy shall coordinate the activities~~
38 ~~of state and local public agencies and private entities~~
39 ~~interested in the Baldwin Hills area and its resources.~~
40 ~~State and local public agencies shall retain title to any land~~



1 ~~owned within the boundaries of the Baldwin Hills area.~~
2 ~~Local public agencies may enter into an agreement to~~
3 ~~transfer responsibility for the management of the land to~~
4 ~~the conservancy. Where there is no state or local public~~
5 ~~agency with operating and management responsibility~~
6 ~~over the land, the conservancy shall exercise that~~
7 ~~responsibility. Local public agencies shall retain exclusive~~
8 ~~authority over all zoning or land use regulations within~~
9 ~~their jurisdiction.~~

10 *(c) The conservancy shall approve changes to the*
11 *current agreement for the operation of the Kenneth*
12 *Hahn State Recreation Area that may be proposed for*
13 *adoption by the Department of Parks and Recreation.*

14 *32571. Local public agencies may enter into an*
15 *agreement to transfer responsibility for the management*
16 *of the land located within the Baldwin Hills area to the*
17 *conservancy. Local public agencies shall retain exclusive*
18 *authority over all zoning or land use regulations within*
19 *their jurisdiction.*

20 *32572. The conservancy shall restrict access on*
21 *acquired lands that are unsuitable for parks and*
22 *open-space use by entering into temporary agreements*
23 *with other state or local public agencies for the protection*
24 *of public health and safety, resource management and*
25 *protection, and security.*

26 *32573. The conservancy shall do all of the following:*

27 *(a) Establish policies and priorities regarding the*
28 *territory within the Baldwin Hills area, and conduct any*
29 *necessary planning activities in accordance with the*
30 *purposes set forth in Section 32555.*

31 *(b) Give priority to related projects that create*
32 *expanded opportunities that provide recreation,*
33 *aesthetic improvement, and wildlife habitat in the*
34 *Baldwin Hills area.*

35 *(c) Approve conservancy-funded projects that*
36 *advance the policies and priorities set forth in this*
37 *division.*

38 *(d) Review the master plan required pursuant to*
39 *subdivisions (b) and (c) of Section 1 of Chapter 752 of the*
40 *Statutes of 1999 and implement prioritization for the*



1 acquisition and operation of additional recreational and
2 open-space ~~needs~~ *needs*, including additional or
3 upgraded facilities and parks that may be necessary or
4 desirable.

5 32574. (a) *The conservancy may fix and collect fees*
6 *for the use of any land owned or controlled, or for any*
7 *service provided, by the conservancy. No fee shall exceed*
8 *the cost of maintaining and operating the land or of*
9 *providing the service for which the fee is charged.*

10 (b) *The fee revenue and all other revenue received*
11 *pursuant to this division shall be deposited in the Baldwin*
12 *Hills Conservancy Fund, which is hereby created in the*
13 *State Treasury. The money in the fund shall be expended*
14 *by the conservancy, upon appropriation by the*
15 *Legislature, for the purposes of this division.*

16 (c) *Nothing in this act changes the Kenneth Hahn*
17 *State Recreation Area's status to receive funds as part of*
18 *the state parks system.*

19 32574.5. *The conservancy shall coordinate its actions*
20 *with state and local public safety agencies.*

21 32575. The conservancy shall administer any funds
22 appropriated to it and any revenue generated by public
23 agencies for the Baldwin Hills area and contributed to the
24 conservancy, and may expend those funds for capital
25 improvements, land acquisition, or support of the
26 conservancy's operations. Subject to Section 11005 of the
27 Government Code, the conservancy may also accept any
28 revenue, money, grants, goods, or services contributed to
29 the conservancy by any public agency, private entity, or
30 person, and, upon receipt, may expend any such revenue,
31 money, or grants for capital improvements, land
32 acquisitions, or support of the conservancy's operations.

33 32576. The conservancy may recruit and coordinate
34 volunteers and experts to assist with conservancy projects
35 and the maintenance of conservancy lands.

36 32577. The conservancy shall coordinate its actions
37 with state and local public safety agencies.

38 32578. The conservancy shall have, and may exercise,
39 all rights and powers, expressed or implied, necessary to



1 carry out the purposes of this division, except as otherwise
2 provided.

3 32579. The conservancy may sue and be sued.

4 ~~32580. (a) The conservancy shall be deemed a local~~
5 ~~agency for, but only for, the purposes of any provision of~~
6 ~~law authorizing local agencies to borrow money and incur~~
7 ~~indebtedness. The conservancy may fix and collect fees~~
8 ~~for the use by the public of any lands owned or controlled~~
9 ~~by the conservancy. No fee shall exceed the cost of~~
10 ~~providing the service for which the fee is charged.~~

11 ~~(b) The fee revenue shall be deposited in the Baldwin~~
12 ~~Hills Conservancy Fund, which is hereby created in the~~
13 ~~State Treasury. The money in the fund shall be expended~~
14 ~~by the conservancy, upon appropriation by the~~
15 ~~Legislature, for the purposes of this division.~~

16 ~~SEC. 2. Not later than January 1, 2012, the Legislature~~
17 ~~shall review the effectiveness and progress of the Baldwin~~
18 ~~Hills Conservancy established pursuant to Division 22.7~~
19 ~~(commencing with Section 32550) of the Public~~
20 ~~Resources Code in acquiring and developing open-space~~
21 ~~land in the Baldwin Hills area, as defined in subdivision~~
22 ~~(a) of Section 32553 of the Public Resources Code, and~~
23 ~~determine whether the land under the jurisdiction of the~~
24 ~~conservancy should be transferred to the Department of~~
25 ~~Parks and Recreation for inclusion in the State Park~~
26 ~~System.~~

27 *32580. This division shall remain in effect only until*
28 *January 1, 2008, and as of that date is repealed, unless a*
29 *later enacted statute, that is enacted before January 1,*
30 *2008, deletes or extends that date.*

31 *SEC. 2. Not later than December 31, 2006, the*
32 *Legislative Analyst shall review the effectiveness and*
33 *progress of the Baldwin Hills Conservancy established*
34 *pursuant to Division 22.7 (commencing with Section*
35 *32550) of the Public Resources Code in acquiring and*
36 *developing open-space land and recreational*
37 *opportunities in the Baldwin Hills area, as defined in*
38 *subdivision (a) of Section 32553 of the Public Resources*
39 *Code. The Legislative Analyst shall, not later than*
40 *December 31, 2006, submit to the Legislature a report*



1 *evaluating whether the termination date for the*
2 *conservancy should be extended to meet the goals of*
3 *Division 22.7 (commencing with Section 32550) of the*
4 *Public Resources Code, and whether the land under the*
5 *jurisdiction of the conservancy should be transferred to*
6 *the control of the Department of Parks and Recreation*
7 *for inclusion in the state park system.*

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