

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1818**

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**Introduced by Assembly Member Blumenfield**

February 11, 2010

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An act to *amend Section 33200 of, and to add Chapter 4 (commencing with Section 33220) to Division 23 of, the Public Resources Code, relating to the Santa Monica Mountains Conservancy, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1818, as amended, Blumenfield. Santa Monica Mountains Conservancy: *Upper Los Angeles River and Watershed Protection Program.*

(1) Existing law establishes the Santa Monica Mountains Conservancy within the Natural Resources Agency and prescribes its functions with respect to the Santa Monica Mountains Zone, as defined.

This bill would establish the *Upper Los Angeles River and Watershed Protection Program*. The program would be administered by the Santa Monica Mountains Conservancy to address the resource protection, public recreation, water conservation, and water quality goals of the *Upper Los Angeles River* watershed in a coordinated, comprehensive, and effective way.

*The bill would establish the Upper Los Angeles River and Watershed Protection Program Stakeholder Advisory Committee, comprised of a specified membership, with certain duties regarding proposing and reviewing projects for funding. The bill would authorize the conservancy to undertake projects and award grants to an eligible entity, as defined, for a project that is consistent with the program and meets other*

requirements. The conservancy would be authorized to adopt grant approval criteria, which would not be regulations subject to the rule-making provisions of the Administration Procedure Act. The stakeholder committee would be required to submit an annual report to the Governor and Legislature regarding the projects funded by the program.

The bill would establish the Upper Los Angeles River and Watershed Protection Program Account within the Santa Monica Mountains Conservancy Fund and would continuously appropriate the money in the account to the conservancy to undertake projects and award grants. The bill would specify the funds that may be transferred into that account.

(2) Existing law specifies the membership of the Santa Monica Mountains Conservancy as consisting of 9 voting members and 3 ex officio members.

This bill would additionally add to the membership of the conservancy, the chairperson of the Upper Los Angeles River and Watershed Protection Program Stakeholder Advisory Committee, except the bill would authorize that person to vote only upon a project within the Upper Los Angeles River Watershed.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: no.

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

1     SECTION 1. Section 33200 of the Public Resources Code is  
2     amended to read:

3     33200. (a) The Santa Monica Mountains Conservancy is  
4     hereby established within the Natural Resources Agency. The  
5     conservancy is composed of ~~nine~~ 10 voting members and three ex  
6     officio members. The voting members are as follows:

7     (1) The Superintendent of the Santa Monica Mountains National  
8     Recreation Area, or his or her designee.

9     (2) A member representing the City of Los Angeles, appointed  
10    by the mayor with the approval of the city council.

11    (3) Three public members who shall be residents of either the  
12    County of Los Angeles or the County of Ventura, one of whom  
13    shall be appointed by the Governor, one of whom shall be  
14    appointed by the Senate Committee on Rules, and one of whom  
15    shall be appointed by the Speaker of the Assembly. At least one

1 of the public members shall reside within the San Fernando Valley  
2 statistical area, as ~~defined~~ *described* in *subdivision (c)* of Section  
3 11093 of the Government Code. The seat of a public member shall  
4 be deemed vacant if the member changes his or her residence to  
5 a county other than Los Angeles or Ventura County.

6 (4) An elected official who is a representative nominated by the  
7 city councils of those cities, which have at least 75 percent of their  
8 areas within the zone, who shall be appointed by the Board of  
9 Supervisors of the County of Los Angeles or a member appointed  
10 by the Board of Supervisors of the County of Los Angeles, or that  
11 member's designee.

12 (5) An elected official who is either a member of the City  
13 Council of the City of Thousand Oaks or a member of the Board  
14 of Supervisors of the County of Ventura and who shall be  
15 appointed by the Board of Supervisors of the County of Ventura,  
16 or the elected official's designee.

17 (6) The Secretary of the Resources Agency or an employee of  
18 the agency designated by the secretary.

19 (7) The Superintendent of the Angeles District of the Department  
20 of Parks and Recreation, or his or her designee.

21 (8) *The chairperson of the Upper Los Angeles River and*  
22 *Watershed Stakeholder Advisory Committee, except that person*  
23 *shall vote only upon a project in the watershed of the Los Angeles*  
24 *River upstream of the northernmost boundary of the City of Vernon,*  
25 *as specified in Section 79508 of the Water Code.*

26 (b) (1) (A) The California Coastal Commission and the State  
27 Coastal Conservancy shall each appoint an ex officio member who  
28 shall be either a member or employee of their respective agency.  
29 The ex officio member appointed by the California Coastal  
30 Commission and the State Coastal Conservancy shall be nonvoting  
31 members, except that the ex officio member appointed by the State  
32 Coastal Conservancy may vote on any matter relating to a project  
33 undertaken within the coastal zone portion of the zone.

34 (B) On the 10th working day after certification pursuant to  
35 Chapter 6 (commencing with Section 30500) of Division 20 of  
36 any local coastal program, or any portion thereof, for any portion  
37 of the zone, the ex officio member appointed by the California  
38 Coastal Commission may vote on any matter relating to a project  
39 undertaken within the coastal zone portion of the zone and the ex

1 officio member appointed by the State Coastal Conservancy may  
2 not vote on the matter.

3 (2) The Supervisor of the Angeles National Forest shall also  
4 serve as an ex officio, nonvoting member of the conservancy.

5 (c) The chairperson and vice chairperson of the conservancy  
6 shall be selected by the voting members of the conservancy for a  
7 one-year term. A majority of the total authorized and appointed  
8 voting membership of the conservancy constitutes a quorum for  
9 the transaction of any business under this division.

10 (d) (1) The following members of the conservancy shall be  
11 compensated for attendance at regular meetings of the conservancy  
12 at the rate of one hundred dollars (\$100) per day:

13 (A) The public members.

14 (B) The member appointed by the Board of Supervisors of the  
15 County of Los Angeles or that member's designee, unless the  
16 member or designee is also a member of the board of supervisors,  
17 in which case no compensation shall be paid.

18 (C) The member appointed by the Board of Supervisors of the  
19 County of Ventura or that member's designee, unless the member  
20 or designee is also a member of a board of supervisors, in which  
21 case no compensation shall be paid.

22 (D) The members appointed by the State Coastal Conservancy  
23 and the California Coastal Commission if these members are not  
24 employees of their respective agency or are not full-time  
25 compensated elected officials.

26 (E) The appointed member representing the City of Los Angeles.

27 (2) All members of the conservancy shall be reimbursed for  
28 actual and necessary expenses, including travel expenses, incurred  
29 in the performance of their duties.

30 **SECTION 1.**

31 *SEC. 2.* Chapter 4 (commencing with Section 33220) is added  
32 to Division 23 of the Public Resources Code, to read:

33 ~~CHAPTER 4. LOS ANGELES RIVER WATERSHED PROGRAM~~

34 ~~33220. This chapter shall be known and may be cited as the~~  
35 ~~Los Angeles River Watershed Program Act of 2010.~~

36 ~~33221. For the purposes of this chapter, the following~~  
37 ~~definitions apply:~~

1 (a) “Los Angeles River Watershed” has the same meaning as  
2 the upper Los Angeles River watershed as described in Section  
3 79508 of the Water Code.

4 (b) “Program” means the Los Angeles River Watershed Program.  
5 33222. The Los Angeles River Watershed Program is hereby  
6 established, to be administered by the conservancy, to address the  
7 resource protection, public recreation, water conservation, and  
8 water quality goals of the Los Angeles River watershed in a  
9 coordinated, comprehensive, and effective way.

10 33223. The program shall be complementary to existing  
11 regulatory and planning programs. This chapter shall not affect  
12 any existing regulatory or land use powers of a local government  
13 or the jurisdiction of the Los Angeles County Flood District or the  
14 U.S. Army Corps of Engineers.

15  
16 *CHAPTER 4. UPPER LOS ANGELES RIVER AND WATERSHED*  
17 *PROTECTION PROGRAM*  
18

19 33220. (a) The Upper Los Angeles River and Watershed  
20 Protection Program is hereby established, to be administered by  
21 the Santa Monica Mountains Conservancy, to address the resource  
22 protection, public recreation, water conservation, and water quality  
23 goals of the Upper Los Angeles River and Watershed in a  
24 coordinated, comprehensive, and effective way.

25 (b) The Upper Los Angeles River and Watershed Protection  
26 Program established by this chapter is in addition to existing  
27 regulatory and planning programs.

28 33221. The Legislature finds and declares both of the following  
29 to be the objectives of this chapter:

30 (a) The Upper Los Angeles River and Watershed, focused on  
31 the Upper Los Angeles River and its tributaries, comprises a unique  
32 and valuable economic, environmental, educational, and  
33 recreational resource that should be protected for the use and  
34 enjoyment of present and future generations.

35 (b) Subject to the highest priority for the protection of public  
36 safety and flood protection, the conservation, restoration,  
37 recreation, water quality, and economic development projects  
38 along the Upper Los Angeles River and its tributaries funded  
39 through the program should achieve multiple benefits and have

1 stakeholder consensus to the greatest extent possible consistent  
2 with these objectives.

3 33222. Unless the context requires otherwise, the definitions  
4 set forth in this section shall govern the interpretation of this  
5 chapter.

6 (a) “Account” means the Upper Los Angeles River and  
7 Watershed Protection Program Account established pursuant to  
8 Section 33228.

9 (b) “Conservancy” means the Santa Monica Mountains  
10 Conservancy.

11 (c) “Eligible entity” means a state agency, city, county, joint  
12 powers authority, or nonprofit organization qualified pursuant to  
13 Section 501(c)(3) of the Internal Revenue Code.

14 (d) “Los Angeles River Master Plan” means the plan adopted  
15 in 1996 by the Board of Supervisors of the County of Los Angeles  
16 and any amendments to that plan.

17 (e) “Los Angeles River Revitalization Plan” means the plan  
18 adopted by the Los Angeles City Council in April of 2007 and any  
19 amendments to that plan.

20 (f) “Program” means the Upper Los Angeles River and  
21 Watershed Protection Program established pursuant to this  
22 chapter.

23 (g) “Stakeholder committee” means the Upper Los Angeles  
24 River and Watershed Protection Program Stakeholder Advisory  
25 Committee established pursuant to Section 33224.

26 (h) “Upper Los Angeles River and Watershed” or “watershed”  
27 means the watershed of the Los Angeles River upstream of the  
28 northernmost boundary of the City of Vernon, as specified in  
29 Section 79508 of the Water Code.

30 33223. (a) The Upper Los Angeles River and Watershed  
31 Protection Program shall consist of all of the following projects:

32 (1) All projects identified by the City of Los Angeles in the Los  
33 Angeles River Revitalization Plan.

34 (2) All projects identified by the County of Los Angeles in the  
35 Los Angeles River Master Plan.

36 (3) Any other project that may be recommended by the  
37 stakeholder committee and approved by the conservancy.

38 (4) Any other project that may be recommended by the  
39 conservancy.

1     ***(b) All projects for watershed protection shall be consistent***  
2 ***with the San Gabriel and Los Angeles River Watershed and Open***  
3 ***Space Plan, as adopted by the San Gabriel and Lower Los Angeles***  
4 ***Rivers and Mountains Conservancy and the Santa Monica***  
5 ***Mountains Conservancy, as specified pursuant to Section 79508***  
6 ***of the Water Code.***

7     33224. ***(a) There is hereby established the Upper Los Angeles***  
8 ***River and Watershed Protection Program Stakeholder Advisory***  
9 ***Committee. The committee shall be comprised of 10 voting***  
10 ***members and five ex officio members, as follows:***

11     ***(1) Three members of the public, who shall be appointed one***  
12 ***each by the Governor, the Speaker of the Assembly, and the Senate***  
13 ***Committee on Rules, and all of whom shall be residents within the***  
14 ***Upper Los Angeles River Watershed.***

15     ***(A) The member appointed by the Governor shall have***  
16 ***demonstrated expertise in engineering, fluvial geomorphology,***  
17 ***river restoration, or similar professional disciplines.***

18     ***(B) The member appointed by the Senate Committee on Rules***  
19 ***shall have demonstrated expertise in the private or nonprofit sector***  
20 ***development of river revitalization projects.***

21     ***(C) The member appointed by the Speaker of the Assembly shall***  
22 ***have demonstrated credentials representing local communities***  
23 ***along the Upper Los Angeles River or the Upper Los Angeles River***  
24 ***Watershed.***

25     ***(2) The Director of the Los Angeles County Department of***  
26 ***Public Works, or a designated employee thereof.***

27     ***(3) A member of the Board of Supervisors of Los Angeles***  
28 ***County, to be appointed by the board, or a designee thereof.***

29     ***(4) The Los Angeles City Engineer or a designated employee***  
30 ***thereof.***

31     ***(5) A member of the Los Angeles City Council, to be appointed***  
32 ***by the Mayor.***

33     ***(6) A member of the city council of a city within the watershed,***  
34 ***other than the City of Los Angeles, as determined by the city***  
35 ***selection committee. The term of that member shall be one year,***  
36 ***and thereafter another member shall be chosen, with the intent***  
37 ***that a rotating membership shall include representation from the***  
38 ***Cities of Flintridge, La Canada, Pasadena, San Fernando, and***  
39 ***South Pasadena.***

1     (7) *The Secretary of the Natural Resources Agency or his or*  
2 *her employee designee.*

3     (8) *A member appointed by the conservancy to represent*  
4 *underserved communities, which person shall have had previous*  
5 *experience and expertise in the representation of those*  
6 *communities.*

7     (9) *Five ex officio members, who shall have full rights of*  
8 *participation in the deliberations of the committee, but who shall*  
9 *have no vote:*

10    (A) *The District Engineer of the United States Army Corps of*  
11 *Engineers, or his or her employee designee.*

12    (B) *The executive officer of the San Gabriel and Lower Los*  
13 *Angeles River Mountains and Rivers Conservancy, or his or her*  
14 *employee designee.*

15    (C) *The Chairperson of the Los Angeles and San Gabriel River*  
16 *Watershed Council.*

17    (D) *The Chairperson of the Los Angeles River Revitalization*  
18 *Corporation.*

19    (E) *The Director of the Department of Parks and Recreation,*  
20 *or an employee designated thereby.*

21    (b) *The stakeholder committee shall do all of the following:*

22       (1) *Encourage public participation in the development of*  
23 *projects along the Upper Los Angeles River and Watershed and*  
24 *its tributaries.*

25       (2) *Propose projects for funding by the program.*

26       (3) *As a body that is representative of stakeholders, review and*  
27 *coordinate projects to avoid duplication and to achieve maximum*  
28 *multiple benefits from projects funded by the program.*

29       (4) *Annually review the program and solicit nominations of new*  
30 *projects from all affected constituencies and from all portions of*  
31 *the watershed.*

32       (5) *Advise the conservancy with respect to project funding*  
33 *priorities.*

34    (c) *The stakeholder committee shall annually select a*  
35 *chairperson and vice chairperson.*

36    (d) (1) *The conservancy shall provide funding for the*  
37 *administrative implementation of this chapter using only existing*  
38 *state fiscal resources, including, but not limited to, funding for the*  
39 *stakeholder committee member expenses, funding for staff support*

1 of the activities of the stakeholder committee, and funding for the  
2 conservancy's implementation of this chapter.

3 (2) Notwithstanding any other law, the conservancy may accept  
4 donations of money or services or utilize the staff of any public or  
5 private entity to assist the stakeholder committee and the  
6 conservancy in the implementation of this chapter.

7 33225. (a) The conservancy may undertake projects and award  
8 grants to an eligible entity pursuant to this chapter, in accordance  
9 with all of the following conditions:

10 (1) The conservancy finds the project furthers the purposes and  
11 objectives of this chapter.

12 (2) If the project is funded pursuant to subdivision (c) of Section  
13 79570 of the Water Code, the conservancy finds the project is  
14 consistent with Section 79508 of the Water Code.

15 (3) If the project is funded pursuant to paragraph (2) of  
16 subdivision (g) of Section 75050, the conservancy finds the project  
17 is consistent with the Safe Drinking Water, Water Quality and  
18 Supply, Flood Control, River and Coastal Protection Bond Act of  
19 2006 (Division 43 (commencing with Section 75001)).

20 (b) (1) The conservancy may, after public hearing and full  
21 consultation with the stakeholder committee, adopt grant approval  
22 criteria to carry out the chapter.

23 (2) The criteria adopted pursuant to paragraph (1) are not  
24 regulations within the meaning of the Administrative Procedure  
25 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
26 Division 3 of Title 2 of the Government Code) and shall not be  
27 subject to that chapter.

28 (c) The conservancy may approve, disapprove, or modify a  
29 grant or proposed project, or condition the approval thereof, to  
30 better comply with the purposes of this chapter or to safeguard  
31 the expenditure of public funds.

32 (d) The conservancy may undertake a project directly only if  
33 the conservancy makes a finding that the project is consistent with  
34 the objectives of subdivision (b) of Section 33222.

35 33226. (a) Notwithstanding Section 10231.5 of the Government  
36 Code, on or before December 1 of each year, commencing  
37 December 1, 2011, the stakeholder committee shall forward an  
38 annual report to the conservancy for its approval and, upon  
39 approval, submit the annual report to the Governor and  
40 Legislature.

1     (b) *The annual report specified in subdivision (a) shall contain*  
2 *all of the following:*

3     (1) *A listing and status of all projects funded by the program*  
4 *and the extent to which those projects meet the objectives of this*  
5 *chapter.*

6     (2) *The status of the account and any recommendations for*  
7 *additional funding necessary to meet the objectives of the program.*

8     (3) *Recommendations for additional legislation or administrative*  
9 *actions that would better fulfill the purposes and objectives of this*  
10 *chapter.*

11     33227. *Any authority granted by this chapter is in addition to*  
12 *any other power the conservancy or any other state or local agency*  
13 *may exercise pursuant to any other provision of law.*

14     33228. *The Upper Los Angeles River and Watershed Program*  
15 *Protection Account is hereby established within the Santa Monica*  
16 *Mountains Conservancy Fund. Funds authorized pursuant to*  
17 *subdivision (c) of Section 79570 of the Water Code, funds*  
18 *authorized pursuant to paragraph (2) of subdivision (g) of Section*  
19 *75050, future bond revenues, federal funds, and private funding*  
20 *may be transferred into the account. Notwithstanding Section*  
21 *13340 of the Government Code, the funds in the account are hereby*  
22 *continuously appropriated to the conservancy to undertake projects*  
23 *and award grants pursuant to Section 33226.*

24     33229. (a) *This chapter shall be liberally construed so as to*  
25 *promote the coordinated and efficient achievement of the objectives*  
26 *of the chapter, as stated in Sections 33221 and 33222.*

27     (b) *This chapter does not affect any of the following:*

28     (1) *The jurisdiction of the Los Angeles County Flood Control*  
29 *District, the Department of Public Works of the County of Los*  
30 *Angeles, the United States Army Corps of Engineers, the City of*  
31 *Los Angeles, or the San Gabriel and Lower Los Angeles Rivers*  
32 *and Mountains Conservancy.*

33     (2) *The privileges and immunities of the Los Angeles County*  
34 *Flood Control District or the Los Angeles County Department of*  
35 *Public Works over land or waters under the jurisdiction thereof*  
36 *pursuant to any provision of law.*

37     (3) *The jurisdiction of the City of Los Angeles over the Los*  
38 *Angeles River as secured by the Los Angeles City Charter or any*  
39 *other applicable provision of law.*

1     (4) *The authority of the conservancy to exercise its fiduciary*  
2 *responsibilities with respect to any funds appropriated to it.*

3     (5) *The responsibility or authority of the executive director of*  
4 *the conservancy to take any actions necessary to comply with the*  
5 *provisions of the Financial Integrity and State Manager's*  
6 *Accountability Act of 1983 ( Chapter 5 (commencing with Section*  
7 *13400) of Part 3 of Division 3 of Title 2 of the Government Code).*

8     (6) *The authority of the Santa Monica Mountains Conservancy*  
9 *Advisory Committee to make a recommendation pursuant to*  
10 *subdivision (e) of Section 33213.*

11     (7) *The privileges and immunities of any state agency over state*  
12 *owned land, including those of the conservancy as affirmed*  
13 *pursuant to subdivision (b) of Section 33008 and subdivision (d)*  
14 *of Section 33211.*

15     *SEC. 3. It is the intent of the Legislature that the Upper Los*  
16 *Angeles River and Watershed Protection Program (Chapter 4*  
17 *(commencing with Section 33220) of Division 23 of the Public*  
18 *Resources Code), as added by Section 2 of this act, shall be*  
19 *implemented within existing budgetary resources, and that the*  
20 *Santa Monica Mountains Conservancy shall utilize, to the greatest*  
21 *extent possible, the resources of other governmental entities and*  
22 *nonprofit organizations in carrying out its responsibilities pursuant*  
23 *to the program.*