

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY APRIL 6, 2010

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1818

Introduced by Assembly Member Blumenfield

February 11, 2010

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.

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 conservancy would be required to submit in its annual report to the Governor and Legislature certain information 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. 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. 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 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 described in subdivision (c) of Section 11093
3 of the Government Code. The seat of a public member shall be
4 deemed vacant if the member changes his or her residence to a
5 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 Natural Resources Agency or an
18 employee of 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
25 Vernon, 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 SEC. 2. Chapter 4 (commencing with Section 33220) is added
31 to Division 23 of the Public Resources Code, to read:

32
33 CHAPTER 4. UPPER LOS ANGELES RIVER AND WATERSHED
34 PROTECTION PROGRAM
35

36 33220. (a) The Upper Los Angeles River and Watershed
37 Protection Program is hereby established, to be administered by
38 the Santa Monica Mountains Conservancy, to address the resource
39 protection, public recreation, water conservation, and water quality

goals of the Upper Los Angeles River and Watershed in a coordinated, comprehensive, and effective way.

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

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

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

(b) Subject to the highest priority for the protection of public safety and flood protection, the conservation, restoration, recreation, water quality, and economic development projects along the Upper Los Angeles River and its tributaries funded through the program should achieve multiple benefits and have stakeholder consensus to the greatest extent possible consistent with these objectives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) All projects identified pursuant to subdivision (a) shall be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan, as adopted by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and the Santa Monica Mountains Conservancy, as specified pursuant to Section 79508 of the Water Code.

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

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

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

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

(C) The member appointed by the Speaker of the Assembly shall have demonstrated credentials representing local communities

1 along the Upper Los Angeles River or the Upper Los Angeles
2 River Watershed.

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

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

7 (4) The Los Angeles City Engineer or a designated employee
8 thereof.

9 ~~(5) A member of the Los Angeles City Council, to be appointed~~

10 (5) *The chairperson of the Los Angeles City Council Ad Hoc*
11 *Committee on the Los Angeles River, or if that committee ceases*
12 *to exist, a member of the Los Angeles City Council, to be appointed*
13 *by the Mayor of the City of Los Angeles.*

14 (6) A member of the city council of a city within the watershed,
15 other than the City of Los Angeles, as determined by the city
16 selection committee. The term of that member shall be one year,
17 and thereafter another member shall be chosen, with the intent that
18 a rotating membership shall include representation from the Cities
19 of ~~Flintridge, La Canada~~ *La Canada Flintridge*, Pasadena, San
20 Fernando, and South Pasadena.

21 (7) The Secretary of the Natural Resources Agency or his or
22 her employee designee.

23 (8) A member appointed by the conservancy to represent
24 underserved communities, which person shall have had previous
25 experience and expertise in the representation of those
26 communities.

27 (9) Five ex officio members, who shall have full rights of
28 participation in the deliberations of the committee, but who shall
29 have no vote:

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

32 (B) The executive officer of the San Gabriel and Lower Los
33 Angeles River Mountains and Rivers Conservancy, or his or her
34 employee designee.

35 (C) ~~The Chairperson of the Los Angeles and San Gabriel River~~
36 ~~Rivers Watershed Council, or his or her employee designee.~~

37 (D) The Chairperson of the Los Angeles River Revitalization
38 Corporation.

39 (E) The Director of the Department of Parks and Recreation,
40 or an employee designated thereby.

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

2 (1) Encourage public participation in the development of projects
3 along the Upper Los Angeles River and Watershed and its
4 tributaries.

5 (2) Propose projects for funding by the program.

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

9 (4) Annually review the program and solicit nominations of
10 new projects from all affected constituencies and from all portions
11 of the watershed.

12 (5) Advise the conservancy with respect to project funding
13 priorities.

14 (c) The stakeholder committee shall annually select a
15 chairperson and vice chairperson.

16 (d) (1) The conservancy shall provide funding for the
17 administrative implementation of this chapter using only existing
18 state fiscal resources, including, but not limited to, funding for the
19 stakeholder committee member expenses, funding for staff support
20 of the activities of the stakeholder committee, and funding for the
21 conservancy's implementation of this chapter.

22 (2) Notwithstanding any other law, the conservancy may accept
23 donations of money or services or utilize the staff of any qualified
24 public or private entity that shares the same mission or objectives
25 of the program, as determined by the conservancy, to assist the
26 stakeholder committee and the conservancy in the implementation
27 of this chapter.

28 33225. (a) The conservancy may undertake projects and award
29 grants to an eligible entity pursuant to this chapter, in accordance
30 with all of the following conditions:

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

33 (2) If the project is funded pursuant to subdivision (c) of Section
34 79570 of the Water Code, the conservancy finds the project is
35 consistent with Section 79508 of the Water Code.

36 (3) If the project is funded pursuant to paragraph (2) of
37 subdivision (g) of Section 75050, the conservancy finds the project
38 is consistent with the Safe Drinking Water, Water Quality and
39 Supply, Flood Control, River and Coastal Protection Bond Act of
40 2006 (Division 43 (commencing with Section 75001)).

1 (4) The conservancy may acquire real property or any interests
2 in real property pursuant to Section 33203.

3 (5) The conservancy may award a grant to a qualified nonprofit
4 organization pursuant to Section 33204.2.

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

8 (2) The criteria adopted pursuant to paragraph (1) are not
9 regulations within the meaning of the Administrative Procedure
10 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
11 Division 3 of Title 2 of the Government Code) and shall not be
12 subject to that chapter.

13 (c) The conservancy may approve, disapprove, or condition the
14 approval of a grant or proposal project, to better comply with the
15 purposes of this chapter or to safeguard the expenditure of public
16 funds.

17 (d) The conservancy may undertake a project directly only if
18 the conservancy makes a finding that the project is consistent with
19 the objectives of subdivision (b) of Section 33221.

20 33226. In the annual report required pursuant to Section 33208,
21 the conservancy shall include all of the following information:

22 (a) A listing and status of all projects funded by the program
23 and the extent to which those projects meet the objectives of this
24 chapter.

25 (b) The status of the account and any recommendations for
26 additional funding necessary to meet the objectives of the program.

27 (c) Recommendations for additional legislation or administrative
28 actions that would better fulfill the purposes and objectives of this
29 chapter.

30 33227. Any authority granted by this chapter is in addition to
31 any other power the conservancy or any other state or local agency
32 may exercise pursuant to any other provision of law.

33 33228. The Upper Los Angeles River and Watershed Program
34 Protection Account is hereby established within the Santa Monica
35 Mountains Conservancy Fund. Funds authorized pursuant to
36 subdivision (c) of Section 79570 of the Water Code, funds
37 authorized pursuant to paragraph (2) of subdivision (g) of Section
38 75050, future bond revenues, federal funds, and private funding
39 may be transferred into the account.

1 33229. (a) This chapter shall be liberally construed so as to
2 promote the coordinated and efficient achievement of the objectives
3 of the chapter, as stated in Sections 33221 and 33222.

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

5 (1) The jurisdiction of the Los Angeles County Flood Control
6 District, the Department of Public Works of the County of Los
7 Angeles, the United States Army Corps of Engineers, the City of
8 Los Angeles, or the San Gabriel and Lower Los Angeles Rivers
9 and Mountains Conservancy.

10 (2) The privileges and immunities of the Los Angeles County
11 Flood Control District or the Los Angeles County Department of
12 Public Works over land or waters under the jurisdiction thereof
13 pursuant to any provision of law.

14 (3) The jurisdiction of the City of Los Angeles over the Los
15 Angeles River as secured by the Los Angeles City Charter or any
16 other applicable provision of law.

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

19 (5) The responsibility or authority of the executive director of
20 the conservancy to take any actions necessary to comply with the
21 provisions of the Financial Integrity and State Manager's
22 Accountability Act of 1983 (Chapter 5 (commencing with Section
23 13400) of Part 3 of Division 3 of Title 2 of the Government Code).

24 (6) The authority of the Santa Monica Mountains Conservancy
25 Advisory Committee to make a recommendation pursuant to
26 subdivision (e) of Section 33213.

27 (7) The privileges and immunities of any state agency over
28 state-owned land, including those of the conservancy as affirmed
29 pursuant to subdivision (b) of Section 33008 and subdivision (d)
30 of Section 33211.

31 SEC. 3. It is the intent of the Legislature that the Upper Los
32 Angeles River and Watershed Protection Program (Chapter 4
33 (commencing with Section 33220) of Division 23 of the Public
34 Resources Code), as added by Section 2 of this act, shall be
35 implemented within existing budgetary resources, and that the
36 Santa Monica Mountains Conservancy shall utilize, to the greatest
37 extent possible, the resources of other governmental entities and

- 1 nonprofit organizations in carrying out its responsibilities pursuant
- 2 to the program.

O