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DEPARTMENT OF
FINANCE

BUDGET, POLICY &
STRATEGIC PLANNING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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July 9, 2002

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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: Assembly Bill 713 As Amended June 28, 2002 (Thomson) – Sacramento Valley
Agriculture and Open Space Authority – SUPPORT IF AMENDED.**

LOCATION: Citywide

RECOMMENDATION:

Staff recommends that the Law and Legislation Committee support the bill if amended.

CONTACT PERSON: Aaron Chong, Senior Management Analyst, 264-6762

FOR MEETING OF: July 18, 2002

SUMMARY:

The six-county Sacramento region has been struggling with several regional issues including tax sharing, housing, transportation, and open space. While consensus has been extremely difficult to reach on most of these issues, community leaders have generally agreed that a more aggressive and coordinated agricultural and open space conservation effort is needed.

Assembly Bill 713 (AB 713), by Assemblymember Helen Thomson, would create the Sacramento Valley Agriculture and Open Space Authority. Its purpose is to support and complement the region's network of trusts, conservancies and agencies in their effort to conserve agricultural and open space lands. Proposed efforts would include the following:

- Better position the region to apply for federal, state, and local funding to support the conservation work of the region's network of trusts, conservancies and agencies for projects of regional significance;

- Identify and help conserve agricultural and open space lands that are of statewide significance through voluntary incentive-based regional programs;
- Facilitate regional partnerships among public agencies and private entities that promote agricultural and open space conservation;
- Bring state and local expertise to bear on regional conservation challenges.

AB 713 would establish a general outline for the Authority's permanent governing board and ensures stakeholder interests are protected through a 15-member advisory board representing agricultural and environmental interests.

BACKGROUND:

The six-county Sacramento region (Sacramento, Yolo, Sutter, Yuba, El Dorado, Placer) is host to a number of organizations dedicated to preserving land for agriculture and open space. Local groups such as the Yolo Land Trust, Placer Legacy, and Sacramento Valley Open Space Conservancy have successfully protected thousands of acres of agricultural land and valuable open space. But these individual efforts would be hard pressed to keep pace with the Sacramento region's projected growth.

It is estimated that the Sacramento region will add an additional 1,000,000 residents by 2025—a 54 percent increase; employment is expected to increase 70 percent and a total of 560,000 new housing units will be built. Without aggressive and coordinated action, development will likely outpace the combined conservation efforts of local open space groups.

The Sacramento region's growth is also threatening some of the nation's most productive farmland. In 1998, the six-county Sacramento region accounted for over \$1 billion in total farm value which annually produced \$146 million in rice crops, \$126 million in tomatoes, and over \$128 million in wine grapes. Despite these impressive numbers, decreasing crop prices, increasing farm costs, and expanding urban development have led the Sacramento region to permanently lose over 41,000 acres of highly productive agricultural lands in just the last 10 years.

AB 713 would create an important regional link for the Sacramento area's network of trusts, conservancies, and local agencies. By working together in a coordinated manner, AB 713 would position the Sacramento region to compete for the limited resources available for agricultural and open space conservation.

DISCUSSION:

Staff and the City Legislative Advocate's office were invited to attend a stakeholders meeting at the Capitol, presided by Assembly Member Thomson, to discuss the bill's proposed language and any

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concerns. A new draft of the bill was circulated at the meeting incorporating several changes requested by the stakeholders.

Approximately 20 people representing mainly environmental, ranching and farming interests attended the meeting.

Staff has reviewed the bill. The current bill, as amended on June 28, 2002, raises several concerns including the governance issue, the definition of the geographic area, and the concerns about the Sacramento Area Council of Governments' (SACOG) role raised by several stakeholders at the July 9, 2002 meeting presided by Assembly Member Thomson at the Capitol.

At the meeting, a participant expressed his concern that there appeared to be very little direct governance participation by cities in general. The City of Sacramento supported his comments and stated the City's general objection to the structure as drafted.

In addition, another major concern dealt with the governance structure. Staff believes that the geographic area structure of the proposed authority could be expanded to include other valley agricultural counties (e.g. San Joaquin County) and not just the counties narrowly defined by the membership of SACOG.

In addition to the proposed language in the June 28 draft bill, SACOG also presented a one page proposal for SACOG to serve as the Board of Directors for the proposed authority. Representatives from the Sierra Club and other groups strongly objected to SACOG being designated in this or any capacity. The groups view SACOG as a transportation/development board, which could not be trusted with an environmental/preservation mission.

Staff recommends the Law and Legislation Committee support the bill if amended and direct staff to work with the bill's author to amend the language to address the abovementioned concerns.

A copy of the draft bill as amended on June 28, 2002 is attached to this report as "**ATTACHMENT A**". A copy of the SACOG proposed language for the governing board is attached as "**ATTACHMENT B**".

FINANCIAL CONSIDERATIONS:

If passed, the governing and advisory boards of the Authority would determine to what extent the cities and counties would contribute in financing and or other resources for the establishment and initial operation of the Authority.

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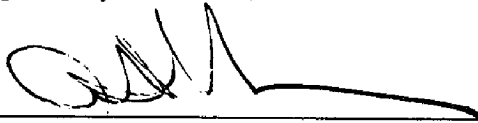
ENVIRONMENTAL CONSIDERATIONS:

The subject of this report does not constitute a project under the California Environmental Quality Act guidelines.

ESBD CONSIDERATIONS:

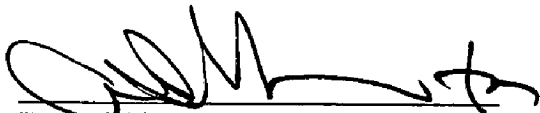
There are no ESBD considerations associated with this bill.

Respectfully submitted,



Aaron Chong,
Senior Management Analyst

RECOMMENDATION APPROVED:



Ken Nishimoto
Deputy City Manager

AMENDED IN SENATE JUNE 28, 2002
AMENDED IN SENATE JUNE 20, 2002
AMENDED IN SENATE JUNE 13, 2002
AMENDED IN ASSEMBLY APRIL 25, 2001

CALIFORNIA LEGISLATURE—2001-02 REGULAR SESSION

ASSEMBLY BILL

No. 713

Introduced by Assembly Member Thomson
(Principal coauthor: Senator Alpert)

February 22, 2001

An act to add Division 10.4 (commencing with Section 10300) to the Public Resources Code, relating to agricultural and open-space lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 713, as amended, Thomson. Agricultural and open-space lands: ~~joint powers authority; legislative intent~~ *Sacramento Valley Agriculture and Open Space Conservation Authority.*

The California Farmland Conservancy Program Act establishes a program for grants from the Department of Conservation to local governments and nonprofit organizations, subject to prescribed requirements and in accordance with prescribed procedures, for the acquisition of agricultural conservation easements, as defined, and for incidental costs, as specified.

This bill would establish the Sacramento Valley Agriculture and Open Space Conservation Authority as an entity of regional government in the Sacramento metropolitan region, as defined.

The bill would require each county within the Sacramento metropolitan region to pass a resolution stating the county's intent to be included in the authority. The territorial jurisdiction of the authority would consist of the territory of each county that has passed, on or before January 1, 2004, the specified resolution. The membership of the authority would consist of each county within the authority's jurisdiction, the Department of Conservation, and the State Water Resources Control Board.

The bill would require the authority to have an advisory board, appointed by board of supervisors of each county member of the authority and by the Sacramento Area Council of Governments. The advisory board would be the governing board of the authority until a governing board has been established, as specified, whereupon the advisory board would function only in an advisory capacity to the governing board.

The bill would require the advisory board at the earliest practicable time to determine the total number of members for the governing board, and to appoint the membership of the governing board, to consist of not less than one representative from each member county, one representative from the State Water Resources Control Board, one representative from the Department of Conservation, one representative from the Wildlife Conservation Board, and representatives from the general public. This provision would become operative on the date that sufficient funds are made available to the advisory board to cover the costs of selecting and appointing the members of the governing board.

The bill would specify the powers and duties of the authority, including, among other things, a requirement that the authority review and assess the needs for acquisition, preservation, or maintenance of open space and agricultural lands and prepare a plan, based on a specified review and assessment, for the expenditure of any revenues the authority expects to derive from any funding provided for implementation of these provisions, together with any other federal, state, local, and private funding.

The bill would specify that the authority does not have the power of eminent domain or any regulatory power over any agency of local government or any landowner.

~~Existing law provides for the protection and preservation of agricultural and open space lands in the state.~~

~~This bill would make various legislative findings and declarations concerning the need to protect and preserve agricultural and open space~~

~~lands, and take a comprehensive, multijurisdictional approach regarding the protection and preservation of those lands. The bill would also express the intent of the Legislature that a Sacramento Regional Agricultural and Open Space Joint Powers Authority be established to perform specified functions with respect to the preservation and protection of those lands within the Sacramento region.~~

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

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

1 ~~SECTION 1. The Legislature hereby finds and declares all of~~
2 *SECTION 1. Division 10.4 (commencing with Section 10300)*
3 *is added to the Public Resources Code, to read:*

4
5 *DIVISION 10.4. SACRAMENTO VALLEY AGRICULTURE*
6 *AND OPEN SPACE CONSERVATION AUTHORITY*

7
8 *CHAPTER 1. GENERAL PROVISIONS*

9
10 *10300. (a) The Legislature hereby finds and declares that the*
11 *Sacramento metropolitan region lacks a regional entity that is*
12 *capable of doing all of the following:*

13 *(1) Assisting regions in coordinating the development of*
14 *natural community conservation plans.*

15 *(2) Identifying and assisting in the conservation of agricultural*
16 *and open-space lands that are of statewide significance.*

17 *(3) Protecting resources and open space through a*
18 *comprehensive multijurisdictional approach to ensure that critical*
19 *agricultural resources and natural communities are conserved.*

20 *(4) Conserving farm and ranch lands through voluntary*
21 *incentive-based regional programs.*

22 *(5) Receiving funding to support the conservation work of the*
23 *region's network of trusts, conservancies, and agencies, and*
24 *enhancing that network's access to public and private funding*
25 *sources for projects of regional significance.*

26 *(6) Facilitating regional partnerships among public agencies*
27 *and private entities that promote agricultural and open-space*
28 *conservation.*

1 (7) *Assisting owners of farm and ranch lands in maintaining*
2 *ownership of their property by establishing voluntary methods and*
3 *programs that offer financial incentives aimed at enhancing the*
4 *region's open-space landscape, including, but not limited to,*
5 *natural resources, biological diversity, a range of working*
6 *landscapes, watersheds, fish and wildlife habitat, recreational*
7 *opportunities, and the region's unique cultural and historic*
8 *resources.*

9 (8) *Providing financial assistance to the regional network of*
10 *trusts, conservancies, and agencies for projects of regional*
11 *significance.*

12 (9) *Establishing and supporting collaborative efforts to*
13 *conserve or enhance, or both, the region's open landscape.*

14 (10) *Bringing state and local expertise to bear on regional*
15 *conservation challenges.*

16 (11) *Ensuring that stakeholder interests are well represented in*
17 *agricultural and open-space conservation decisions involving the*
18 *region.*

19 (b) *It is the intent of the Legislature, in enacting this division,*
20 *to establish a regional entity that is capable of performing all of*
21 *the functions for the Sacramento metropolitan region that are*
22 *listed in subdivision (a).*

23 10302. *For the purposes of this division, the following terms*
24 *have the following meanings, unless the context clearly requires*
25 *otherwise:*

26 (a) *"Authority" means the Sacramento Valley Agriculture and*
27 *Open Space Conservation Authority established under Section*
28 *10320.*

29 (b) *"Governing board" means the governing board of the*
30 *authority.*

31 (c) *"Sacramento metropolitan region" means all of the*
32 *territory that is within the Counties of El Dorado, Placer,*
33 *Sacramento, Sutter, Yolo, and Yuba.*

34
35 CHAPTER 2. *ESTABLISHMENT, TERRITORIAL JURISDICTION, AND*
36 *MEMBERSHIP OF THE AUTHORITY*
37

38 10320. *The Sacramento Valley Agriculture and Open Space*
39 *Conservation Authority is hereby established as an entity of*
40 *regional government in the Sacramento metropolitan region.*

1 10322. (a) Each county within the Sacramento metropolitan
2 region may pass a resolution stating the county's intent to be
3 included in the authority.

4 (b) The authority's territorial jurisdiction shall consist of the
5 territory of each county that has passed, on or before January 1,
6 2004, the resolution authorized under subdivision (a).

7 (c) The membership of the authority shall consist of each
8 county within the authority's jurisdiction, the Department of
9 Conservation, and the State Water Resources Control Board.

10 (d) A county that has not passed a resolution pursuant to
11 subdivision (a) on or before January 1, 2004, or that has formally
12 stated its intent on or before January 1, 2004, not to participate,
13 shall be excluded from the authority's jurisdiction and membership
14 in the authority.

15
16 CHAPTER 3. GOVERNING BOARD
17

18 10330. The authority shall have an advisory board, appointed
19 as follows:

20 (a) The board of supervisors of each county member of the
21 authority shall appoint two members who reside within the
22 authority's jurisdiction, as follows:

23 (1) One member who is an agricultural landowner and
24 represents either farming or ranching interests.

25 (2) One member who represents a local environmental
26 organization, a land trust, or a conservancy.

27 (b) The Sacramento Area Council of Governments shall
28 appoint three members who reside within the authority's
29 jurisdiction.

30 10332. The advisory board shall be the governing board of the
31 authority until a governing board has been established under
32 Section 10334, whereupon the advisory board shall function only
33 in an advisory capacity to the governing board.

34 10334. (a) At the earliest practicable time, the advisory
35 board shall determine the total number of members of the
36 governing board, and appoint the membership of the governing
37 board, to consist of all of the following:

38 (1) Not less than one representative from each member county.

39 (2) One representative from the State Water Resources Control
40 Board.

- 1 (3) One representative from the Department of Conservation.
2 (4) One representative from the Wildlife Conservation Board.
3 (5) Representatives from the general public.
4 (b) This section shall become operative on the date that
5 sufficient funds are made available to the advisory board to cover
6 the costs of selecting and appointing the members of the governing
7 board.

8
9 CHAPTER 4. POWERS AND DUTIES

- 10
11 10340. The authority may do all of the following:
12 (a) Sue and be sued, except as otherwise provided by law, in all
13 actions and proceedings, in all courts and tribunals of competent
14 jurisdiction.
15 (b) Take by grant, purchase, gift, or lease, and hold, use, enjoy,
16 and lease or dispose of real and personal property of every kind,
17 and rights in real and personal property, within the authority's
18 jurisdiction, necessary to the full exercise of its powers. The
19 authority may accept and hold, but is not limited to, open space
20 easements, conservation easements, wildlife easements, and
21 agricultural conservation easements, and may purchase
22 transferable development credits.
23 (c) Provide incentive-based payments to farmers and ranchers
24 who maintain their agricultural land in a manner deemed by the
25 authority to benefit the public good.
26 (d) Plan, adopt, lay out, plant, develop, and otherwise improve,
27 extend, control, operate, and maintain lands, trails, natural areas,
28 and other facilities for public recreation or agricultural activities.
29 (e) Impose fees for the utilization of its properties that do not
30 exceed the cost of providing services.
31 (f) Accept funds or donations from any public or private source
32 for the purposes of acquisition of open-space lands or for projects
33 that further the authority's agricultural land and open-space
34 preservation objectives within its jurisdiction. The authority may
35 seek government grants and private donations.
36 (g) Contract with any person or public agency for any services,
37 supplies, equipment, or materials, or for the construction or
38 completion of any building, structure, or improvement.

1 (h) *Incur indebtedness to finance capital improvements*
2 *pursuant to Chapter 4 (commencing with Section 43600) of*
3 *Division 4 of Title 4 of the Government Code.*

4 10342. *The authority does not have the power of eminent*
5 *domain.*

6 10344. *The authority does not have any regulatory power*
7 *over any agency of local government or any landowner.*

8 10346. (a) *The authority may not use any funds provided*
9 *pursuant to this division to supplement existing local revenues*
10 *being used for open space acquisition, preservation, or*
11 *maintenance purposes.*

12 (b) *The authority shall encourage the counties and cities within*
13 *its jurisdiction to maintain their existing commitment of local*
14 *funds for those purposes.*

15 10348. *The authority shall maintain all property acquired by*
16 *it in a reasonable fashion consistent with the natural conditions*
17 *existing upon the property, and those properties immediately*
18 *surrounding it. This maintenance obligation does not hold the*
19 *authority to a higher standard of care, but is simply a statement of*
20 *a basic function of the authority.*

21 10349. *All claims for money or damages against the authority*
22 *are governed under Division 3.6 (commencing with Section 810)*
23 *of Title 1 of the Government Code, except as provided under this*
24 *division or by other statutes or regulations expressly applicable to*
25 *this division.*

26

27 CHAPTER 5. EXPENDITURE PLAN

28

29 10350. (a) *The authority shall review and assess the needs*
30 *for acquisition, preservation, or maintenance of open space and*
31 *agricultural lands. As part of this review and assessment, the*
32 *authority shall solicit proposals from the cities within the*
33 *authority's territorial jurisdiction.*

34 (b) *Based on the review and assessment, the authority shall*
35 *prepare a plan for the expenditure of any revenues the authority*
36 *expects to derive from any funding provided for implementation of*
37 *this division, together with any other federal, state, local, and*
38 *private funding.*

39 (c) *In addition to acquisition, preservation, or maintenance of*
40 *open space and agricultural lands, an expenditure plan shall also*

1 include a five year projection of revenues likely to be available for
2 capital, maintenance, and operational purposes. An expenditure
3 plan shall establish general areas for acquisition without
4 identifying specific parcels, and shall be periodically reviewed and
5 amended.

6 (d) Before adoption or amendment of an expenditure plan, the
7 authority shall conduct public hearings on that plan. No
8 expenditure for open-space lands shall occur until the initial
9 expenditure plan is approved.

10 the following:

11 (a) ~~A comprehensive multijurisdictional approach to resource~~
12 ~~protection and open-space conservation is necessary to ensure that~~
13 ~~critical agricultural resources and natural communities located~~
14 ~~within the Sacramento Metropolitan Region are conserved and~~
15 ~~protected.~~

16 (b) ~~Voluntary, incentive-based regional programs that~~
17 ~~conserve farm and ranch lands should be developed to support the~~
18 ~~conservation work of the Sacramento region's network of land~~
19 ~~trusts, conservancies, and public agencies, and funding sources for~~
20 ~~projects of regional significance should be located.~~

21 (c) ~~Programs should be developed that facilitate regional~~
22 ~~partnerships among public agencies and private entities that~~
23 ~~promote agricultural and open-space conservation.~~

24 SEC. 2. ~~It is the intent of the Legislature that a Sacramento~~
25 ~~Regional Agriculture and Open Space Joint Powers Authority be~~
26 ~~established to perform the following functions:~~

27 (a) ~~Assist owners of farm and ranch lands to maintain~~
28 ~~ownership of their property by establishing voluntary methods and~~
29 ~~programs that offer financial incentives aimed at enhancing the~~
30 ~~Sacramento region's open space landscape, including, but not~~
31 ~~limited to, natural resources, biological diversity, and a range of~~
32 ~~working landscapes, watersheds, fish and wildlife habitat,~~
33 ~~recreational opportunities, and preserving the region's unique~~
34 ~~cultural and historic resources.~~

35 (b) ~~Provide financial assistance to the regional network of~~
36 ~~trusts, conservancies, and public agencies for projects of regional~~
37 ~~significance.~~

38 (c) ~~Establish and support collaborative efforts to conserve or~~
39 ~~enhance, or both, the Sacramento region's open landscape.~~

- 1 ~~(d) Bring state and local expertise to bear on regional~~
- 2 ~~conservation challenges.~~
- 3 ~~(e) Ensure that stakeholder interests are well represented in~~
- 4 ~~agricultural and open-space conservation decisions involving the~~
- 5 ~~Sacramento region.~~

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CHAPTER 3. GOVERNING BOARD

10330. The Sacramento Area Council of Governments (SACOG) Board of Directors shall duly serve as the Board of Directors for the authority.

- (a) Terms of board membership and the election of a chair and vice-chair will follow the current SACOG structure.
- (b) Each SACOG board member shall have equally weighted votes on matters pertaining to the authority.
- (c) Three non-voting members appointed by the Governor representing the following state agencies shall serve as ex-officio members of the authority board:
 - i) Department of Conservation
 - ii) State Water Resources Control Board
 - iii) Wildlife Conservation Board
- (d) The governing board of the authority shall approve or disapprove in their entirety policies, actions, expenditures, and other recommendations brought forth by the authority's advisory board. The governing board shall not amend or in any way alter the recommendations of the advisory board prior to approving or disapproving the recommendation.

10330.1 The authority shall have an advisory board, appointed as follows:

- (a) The board of supervisors of each county member of the authority shall appoint two members who reside within the authority's jurisdiction, as follows:
 - i) One member who is an agricultural landowner and represent either farming or ranching interests.
 - ii) One member who represents a local environmental organization, a land trust, or a conservancy.
- (b) The advisory board shall advise and make recommendations to the governing board on matters pertaining to the authority but can not carry out any recommended actions without governing board approval.