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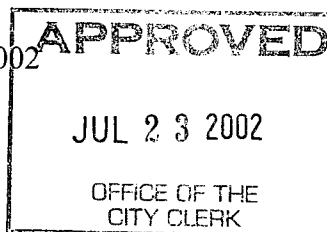
DEPARTMENT OF
FINANCE

CITY OF SACRAMENTO
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BUDGET AND POLICY REVIEW

July 18, 2002



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City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: Assembly Bill 713 As Amended July 17, 2002 (Thomson) – Sacramento Valley
Agriculture and Open Space Authority – SUPPORT IN CONCEPT.**

LOCATION: Citywide

RECOMMENDATION:

The Law and Legislation Committee recommends that the City Council support the bill in concept and direct staff to work with the bill's author to amend the language to address issues of concern.

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

FOR MEETING OF: July 23, 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;

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- 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.

COMMITTEE ACTION:

The Law and Legislation Committee heard this item on July 18, 2002 and unanimously voted to support this bill in concept and refer the item to the City Council for further discussion.

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 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 90 minute meeting.

Staff has reviewed the current bill, as amended on July 17, 2002. At the July 18, 2002 Law and Legislation Committee meeting, staff indicated several concerns should be addressed in the bill before recommending the Law and Legislation Committee support the bill.

- Staff believes that role of SACOG may not be the proper group to serve as the governing board nor to address the issue of agriculture and open space as SACOG is viewed as a transportation board. Several environmental groups voiced strong opposition to having SACOG having any role in the proposed authority. Staff recommends that an alternative group to govern the proposed organization.
- Each of the 6 counties needs to be represented on the advisory board. The determination of who represent a particular county should be made the county and cities within each of these jurisdictions weighted vote (unincorporated county population). The bill currently requires an advisory board appointed by the board of supervisors of each of the 6 counties and by SACOG.
- Staff believes that since the author has chosen to structure this entity differently from an existing conservancy model which receives guaranteed state funding, staff recommends that language be added to ensure that this group has the equal funding opportunities as other established conservancies and not suffer funding disadvantages since it wasn't structured as a traditional conservancy.

Staff recommended the Law and Legislation Committee support this bill if amended to address these concerns and direct staff to work with the bill's author to amend the bill.

The Law and Legislation Committee voted to support the bill in concept and refer the item to the City Council for further discussion.

A copy of the draft bill as amended on July 17, 2002 is attached to this report as "**ATTACHMENT A**".

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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.

ENVIRONMENTAL CONSIDERATIONS:

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

ESBD CONSIDERATIONS:

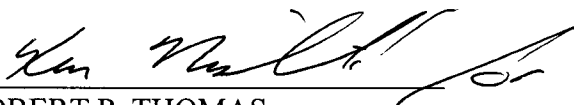
There are no ESBD considerations associated with this bill.

Respectfully submitted,



Aaron Chong,
Senior Management Analyst

RECOMMENDATION APPROVED:



ROBERT P. THOMAS
City Manager

**SACRAMENTO VALLEY AGRICULTURE AND OPEN SPACE
CONSERVATION AUTHORITY**

~~SECTION 1. The Legislature hereby finds and declares all of~~

SECTION 1. Division 10.4 (commencing with Section 10300) is added to the Public Resources Code, to read:

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

CHAPTER 1. GENERAL PROVISIONS

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

- ~~(1) Providing incentives to landowners to help protect the region's agricultural land and open space, including, but not limited to, natural resources, biological diversity, watersheds, fish and wildlife habitat, recreational opportunities, and the region's unique cultural and historic resources.~~
1) Helping owners of farm and ranch lands to maintain ownership of their property by establishing voluntary methods and programs that provide incentives designed to enhance the region's agricultural land and open space, including but not limited to, natural resources, biological diversity, floodways, watersheds, fish and wildlife habitat, working landscapes, recreational opportunities, and cultural and historic resources. [Green Valley Alliance, modified by Thomson. Floodways added by the Sierra Club.]
- (2) Helping to conserve agricultural and open-space lands that are of regional and statewide significance.
- (3) Providing a comprehensive multi-jurisdictional approach to help conserve critical agricultural resources and natural communities.
- (4) Receiving funding to support the conservation work of the region's network of trusts, conservancies, and agencies, and enhancing that network's access to public and private funding sources for projects of regional significance.
- (5) Facilitating regional partnerships among public agencies and private entities that promote agricultural and open-space conservation.
- (6) Tracking legislation relevant to the region's efforts to protect agricultural land and open space.
- (7) Researching agricultural land and open space conservation issues that transcend the scope of individual agencies, including compilation of regional data.
- (8) Bringing state and local expertise to bear on regional conservation challenges.
- (9) Ensuring that stakeholder interests are well represented in agricultural and open-space conservation decisions involving the region.

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

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

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

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

(c) "Sacramento metropolitan region" means, at a maximum, all of the territory that is within the Counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba.

[Thomson]

CHAPTER 2. ESTABLISHMENT, TERRITORIAL JURISDICTION, AND MEMBERSHIP OF THE AUTHORITY

10320. The Sacramento Valley Agriculture and Open Space Conservation Authority is hereby established, ~~as an entity of regional government in the Sacramento metropolitan region.~~ [Bill Geyer, Thomson, others]

~~—10322. (a) The membership of the authority shall consist of each county and city within the authority's jurisdiction, the Department of Conservation, the Wildlife Conservation Board, and the State Water Resources Control Board.~~

~~(ba) Each county within the Sacramento metropolitan region may pass a resolution stating the county's intent to be included in the authority.~~

~~c) Each state agency listed in (a) must issue a formal statement declaring its willingness to be a member. [Unknown, Thomson]~~

~~d) Each city with the Sacramento metropolitan region may pass a resolution stating the city's intent to be included in the authority. [Tom Cosgrove (city of Lincoln), Thomson]~~

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

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

~~(fd) A county or city that has not passed a resolution pursuant to subdivision (a) and (b) on or before January 1, 2004, or that has formally stated its intent on or before January 1, 2004, not to participate, shall be excluded from the authority's jurisdiction and membership in the authority.~~

CHAPTER 3. GOVERNING BOARD

10330. The Sacramento Area Council of Governments (SACOG) Board of Directors shall serve as the Board of Directors for the authority ~~The governing board of the authority shall be as follows:~~

- 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. [SACOG, Thomson, American Farmland Trust.]
- e) The Legislature shall review the composition of the Governing Board and may make changes on or after January 1, 2008. [Thomson]

- ~~a) The Mayor's Selection Committee in each of the six counties shall nominate an elected official from that county who has demonstrated a long term commitment to open space and agricultural land preservation, subject to ratification of the Board of Supervisors.~~
- ~~b) One member of the Board of Supervisors from each county, chosen by a majority vote of the Board.~~
- ~~c) One elected official chosen by the SACOG Board of Directors.~~
- ~~d) Two members, chosen by the advisory board, representing the following:~~
 - ~~i) Farming or ranching interests;~~
 - ~~ii) A local environmental organization, land trust, or conservancy.~~
- ~~e) Three non-voting members representing the following state agencies, appointed by the Governor:~~
 - ~~i) Department of Conservation~~
 - ~~ii) State Water Resources Control Board~~
 - ~~iii) i) Wildlife Conservation Board~~

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:
 - (1) One member who is an agricultural landowner and represent either farming or ranching interests.
 - (2) One member who represents a local environmental organization or local land use planning group or agency. ~~local environmental organization, a land trust, or a conservancy.~~ [Thomson]
 - 3) One member who is a representative of building interests, real estate interests, or landowner interests. [Sarah Sprouse, staff for Assemblyman Pescetti, William Weber, consultant to the Republican Caucus]

- 4) One member from each of the land trusts or conservancies in the region whose primary purpose is the conservation of agricultural land and open space. [Thomson].
- (b) The advisory board shall do all of the following:
 - 1) Hire staff for the authority. [Thomson]
 - 2) Oversee development of the regional agricultural and open space conservation plan. [Thomson]

CHAPTER 4. POWERS AND DUTIES

10340. The authority may do all of the following, but must take into consideration the impact of its actions on existing land trusts and conservancies in the region: [Thomson]

- a) Receive grants and gifts, including, but not limited to, real and personal property of every kind and rights in real and personal property within the authority's jurisdiction.
- b) Lease, purchase, hold, use, enjoy, or dispose of real and personal property of every kind, and rights in real and personal property, within the authority's jurisdiction, necessary to the full exercise of its powers. [Thomson]
- c) The authority may ~~Accept, purchase, and hold, and monitor~~ but is not limited to, open space easements, conservation easements, wildlife conservation easements, and agricultural conservation easements. [Thomson]
- d) Purchase fee title to agricultural land from owners only if all of the following conditions are met:
 - i) The applicant agrees, upon acquisition of the property, to treat the property as encumbered by an agricultural conservation easement subject to 10262.
 - ii) The applicant sells the fee title subject to an agricultural conservation easement to a private landowner within three years of the acquisition of the fee title.
 - iii) The applicant reimburses the fund by an amount equal to the fair market value of the land less the value of the easement and associated transaction costs within 30 days after the sale of the restricted fee title. [California Farm Bureau, DOC, others]
- e) ~~d)~~ Purchase transferable development credits, contingent upon a city or county's passage of an ordinance or amendment to the general plan allowing the sale of such credits.
- f) The Authority may purchase properties and easements as described in c) and d) that are located partially in an adjacent county or city not within the Sacramento metropolitan region if the adjacent county or city provides written consent. [Unknown, Thomson]
- g) Provide incentives to landowners who maintain their agricultural land in a manner deemed by the authority to help protect the region's open space, including, but not limited to, natural resources, biological diversity, watersheds, fish and wildlife habitat, recreational opportunities, and the region's unique cultural and historic resources. Help owners of farm and ranch lands maintain ownership of their property by establishing voluntary methods and programs that provide incentives designed to enhance the region's agricultural land and open

space, including but not limited to, natural resources, biological diversity, floodways, watersheds, fish and wildlife habitat, working landscapes, recreational opportunities, and cultural and historic resources. [Suggested by Green Valley Alliance, modified by Thomson]Such incentives shall be offered for contracts of no less than ten years in duration.

h) ~~Pl~~Contract with any person or public agency to plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain lands, non-motorized trails, natural areas, and other facilities for public recreation or agricultural activities. [Thomson]

~~(e) Impose fees for the utilization of its properties that do not exceed the cost of providing services. [Green Valley Alliance]~~

i) Accept funds or donations from any public or private source for the purposes of acquisition of open-space lands or for projects that further the authority's agricultural land and open-space preservation objectives within its jurisdiction. The authority may seek government grants and private donations.

j) Contract with any person or public agency for any services, supplies, equipment, or materials, or for the construction or completion of any building, structure, or improvement.

k) Incur indebtedness to finance capital improvements pursuant to Chapter 4 (commencing with Section 43600) of Division 4 of Title 4 of the Government Code.

l) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction~~u~~.

—10342. The authority does not have the power of eminent domain.

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

10346. (a) The authority may not use any funds provided pursuant to this division to supplant existing local revenues used for open space acquisition, preservation, or maintenance purposes.

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

10348. The authority shall maintain all property acquired by it in a reasonable fashion consistent with the natural conditions existing upon the property and -shall take into consideration the impact of maintenance activities on the properties immediately surrounding it.

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

10349.1. To qualify for a grant pursuant to this article, the authority shall certify that any proposed easement or acquisition was not, and is not, required to satisfy a condition imposed upon a landowner by any lease, permit, license, certificate, or other entitlement for use issued by one or more public agencies, including, but not limited to, the mitigation of significant effects on the environment of a project pursuant to an approved environmental impact report or to mitigate a negative declaration required pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code.)

CHAPTER 5. REGIONAL AGRICULTURAL AND OPEN SPACE CONSERVATION PLAN

10350. The authority shall develop a regional agricultural and open space conservation plan.

10350.1. The plan must include, but is not limited to, the following components:

- a) A review of existing plans to protect agricultural land and open space, including, but not limited to, general plans and Natural Community Conservation Plans.
- b) A review and assessment of the needs for additional acquisition, preservation, or maintenance of open space and agricultural land above and beyond that described in (a). As part of this review and assessment, the authority shall solicit proposals from local government entities, ~~and~~ It shall also consult non-profit organizations that have demonstrated a commitment to agricultural land and open space conservation within the authority's territorial jurisdiction and representatives of local organizations representing building, real estate, and landowner interests. [Thomson]
- c) An assessment of the fiscal needs for the authority's activities, including any incentive programs and programs to provide matching funds for agencies, land trusts, and conservancies already involved in activities to protect agricultural land and open space in the region.
- d) A plan to raise funds to help meet the needs described in (c).
- e) A plan for the expenditure of any revenues the authority expects to derive from any funding provided for implementation of this division, together with any other federal, state, local, and private funding.
- f) A five-year projection of revenues likely to be available for capital, maintenance, and operational purposes. An expenditure plan shall establish general areas for acquisition without identifying specific parcels, and shall be periodically reviewed and amended.

10351. Before adoption or amendment of an expenditure plan, the authority shall conduct public hearings on that plan. No expenditure for conservation activities shall occur until the initial expenditure plan is approved. ~~The following:~~

~~(a) A comprehensive multijurisdictional approach to resource protection and open space conservation is necessary to ensure that critical agricultural resources and natural~~

~~communities located within the Sacramento Metropolitan Region are conserved and protected.~~

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

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

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

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

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

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

~~—(d) Bring state and local expertise to bear on regional conservation challenges.~~

~~—(e) Ensure that stakeholder interests are well represented in agricultural and open space conservation decisions involving the Sacramento region.~~