

AMENDED IN ASSEMBLY MARCH 30, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2939**

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**Introduced by Assembly Member Wolk  
(Coauthor: Assembly Member Niello)  
(Coauthor: Senator Cox)**

February 24, 2006

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An act to amend Sections 6832 and 6835.1 of, to add Sections 6830.2, 6894.1, 6894.2, and 6910 to, and to repeal and add Section 6830.1 of, the Harbors and Navigation Code, relating to the Sacramento-Yolo Port District.

LEGISLATIVE COUNSEL'S DIGEST

AB 2939, as amended, Wolk. Sacramento-Yolo Port District.

(1) Existing law provides for the formation of a river port district that is governed by a port commission, which consists of five members, as specified. Existing law provides for additional commissioners for the Sacramento-Yolo Port Commission.

This bill would reestablish the boundaries of the Sacramento-Yolo Port District. The bill would eliminate the requirement for additional commissioners for the Sacramento-Yolo Port Commission, and instead specify the membership of the Sacramento-Yolo Port Commission and define and limit certain powers of the Sacramento-Yolo Port District.

The bill would require ~~the County of Sacramento and the City of Sacramento to create the Riverfront Enhancement Fund to receive the proceeds from the sale or lease of the Sacramento-Yolo Port District's Seaway properties, as specified. The bill would provide that money in the fund shall be expended exclusively on projects that are related to~~

~~the Sacramento and American Rivers and that are designed to improve commerce within the district that money in the Riverfront Enhancement Fund, created by the Joint Port Governance Agreement dated January 15, 2006, shall be expended exclusively on projects related to the Sacramento and American Rivers, as specified. The bill would provide that net proceeds from the liquidation of certain properties in the Sacramento-Yolo Port District would be distributed to the fund.~~

Existing law permits an elected official of an appointing authority to be a member of a port commission.

This bill would additionally permit an employee of an appointing authority to be a member of a port commission.

By requiring local agencies to undertake new duties, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 6830.1 of the Harbors and Navigation
- 2 Code is repealed.
- 3 SEC. 2. Section 6830.1 is added to the Harbors and
- 4 Navigation Code, to read:
- 5 6830.1. Notwithstanding Section 6830, the Sacramento-Yolo
- 6 Port Commission shall be composed of five members selected
- 7 and appointed as follows:
- 8 (a) Four commissioners shall be appointed by the City Council
- 9 of the City of West Sacramento, which commissioners may be
- 10 members of the city council, and notwithstanding Section 6835,
- 11 shall be residents of the City of West Sacramento. The
- 12 appointments shall be made in the manner set by law for
- 13 appointments by the City of West Sacramento.

1 (b) One commissioner shall be appointed by the Board of  
2 Supervisors of Yolo County, which commissioner may be a  
3 member of the board of supervisors and, notwithstanding Section  
4 6835, shall be a resident of the City of West Sacramento. The  
5 appointment shall be made in the manner set by law for  
6 appointments by the County of Yolo.

7 SEC. 3. Section 6830.2 is added to the Harbors and  
8 Navigation Code, to read:

9 6830.2. The boundaries of the Sacramento-Yolo Port District  
10 are hereby established to coincide with the first supervisorial  
11 district of the County of Yolo, as of October 1, 2005, and are  
12 described as follows:

13 ~~Beginning at the intersection of the center line of the~~  
14 ~~Sacramento River on the Yolo-Sacramento County boundary~~  
15 ~~with the northeasterly extension of the northerly line of the old~~  
16 ~~“Tule Jake Road,” located in a portion of Section 29, Township 9~~  
17 ~~North, Range 4 East, Mount Diablo Meridian; thence~~  
18 ~~southeasterly, easterly, and southerly along the center of the~~  
19 ~~Sacramento River and the Yolo-Sacramento County boundary to~~  
20 ~~the center of Sutter Slough; thence southwesterly along said~~  
21 ~~center of Sutter Slough to a point on the south line of Section 36,~~  
22 ~~Township 6 North, Range 3 East, Mount Diablo Meridian, being~~  
23 ~~also the intersection with the Yolo-Solano County Boundary;~~  
24 ~~thence westerly along the south line of Township 6 North, Range~~  
25 ~~3 East, Mount Diablo Meridian, and the Yolo-Solano County~~  
26 ~~Boundaries to the southwest corner of Section 31, Township 6~~  
27 ~~North, Range 3 East, Mount Diablo Meridian; thence northerly~~  
28 ~~on the west line of said Section 31 to a point that is distant 1600~~  
29 ~~feet south from the northwest corner of said Section 31; thence~~  
30 ~~northeasterly to a point that is distant 1667 feet easterly from the~~  
31 ~~northwest corner of Section 16, Township 6 North, Range 3 East,~~  
32 ~~Mount Diablo Meridian; thence continuing northeasterly to a~~  
33 ~~point that is distant easterly 1800 feet and southerly 660 feet~~  
34 ~~from the northwest corner of projected Section 12, Township 7~~  
35 ~~North, Range 3 East, Mount Diablo Meridian; thence northerly to~~  
36 ~~a point that is distant 2000 feet easterly from the northwest~~  
37 ~~corner of projected Section 36, Township 8 North, Range 3 East,~~  
38 ~~Mount Diablo Meridian; thence continuing northerly to the~~  
39 ~~intersection with the easterly projection of the Willow Slough~~  
40 ~~Bypass; thence easterly to the intersection with the center of the~~

1 ~~Reclamation District No. 537 Dredger-Cut; thence northerly~~  
 2 ~~along said Dredger-Cut to the intersection with the northerly line~~  
 3 ~~of said "Tule Jake Road;" thence northeasterly along said~~  
 4 ~~northerly line to the point of the beginning. The boundaries also~~  
 5 ~~shall include all property owned by the Sacramento-Yolo Port~~  
 6 ~~District in Solano County that was incorporated into the district~~  
 7 ~~by the Sacramento County Local Agency Formation Commission~~  
 8 ~~on \_\_\_\_.~~

9 SEC. 4. Section 6832 of the Harbors and Navigation Code is  
 10 amended to read:

11 6832. (a) The mayor of the municipality in which is located  
 12 the largest proportion in value of the land within the district, or  
 13 any ~~chairman~~ *chairperson* of any of the boards of supervisors of  
 14 the counties in which the district is located, may call meetings of  
 15 the board of election.

16 (b) This section does not apply to the Sacramento-Yolo Port  
 17 District.

18 SEC. 5. Section 6835.1 of the Harbors and Navigation Code  
 19 is amended to read:

20 6835.1. Notwithstanding any other provision of law, a person  
 21 shall not be ineligible for appointment to the board because he or  
 22 she is an elected official or employee of an appointing authority  
 23 to the board. The appointment of a person to the office of the  
 24 board shall not be deemed incompatible with being an elected  
 25 official or employee of an appointing authority to the board, and  
 26 shall not prevent an elected official or employee so appointed  
 27 from acting on a proposal before the board affecting the  
 28 appointing authority. Any regulation providing for the  
 29 disqualification of a person for that reason is null and void.

30 SEC. 6. Section 6894.1 is added to the Harbors and  
 31 Navigation Code, to read:

32 6894.1. Notwithstanding the provisions of Section 6894, the  
 33 board of the Sacramento-Yolo Port District shall not sell or  
 34 dismantle the Deepwater Channel or the North Terminal Property  
 35 without the prior consent of the City of Sacramento, the County  
 36 of Sacramento, and the County of Yolo.

37 SEC. 7. Section 6894.2 is added to the Harbors and  
 38 Navigation Code, to read:

39 ~~6894.2. (a) A Riverfront Enhancement Fund shall be created~~  
 40 ~~to receive the proceeds from the sale or lease of the~~

1 ~~Sacramento-Yolo Port District's Seaway Properties, other than~~  
2 ~~proceeds that are dedicated to the district for on-going operations~~  
3 ~~pursuant to the Joint Port Governance Agreement dated January~~  
4 ~~15, 2006. The Riverfront Enhancement Fund shall be a special~~  
5 ~~fund to be created, controlled, and managed by the County of~~  
6 ~~Sacramento and the City of Sacramento, by and through a~~  
7 ~~designated fund manager. Any interest that shall accrue on~~  
8 ~~moneys on deposit in the fund shall be deposited into the fund.~~  
9 ~~All proceeds on deposit in the fund, including interest, shall be~~  
10 ~~used as provided in subdivision (b).~~

11 ~~(b) Moneys in the Riverfront Enhancement Fund shall be~~  
12 ~~expended exclusively on projects related to the Sacramento and~~  
13 ~~American Rivers, including tributaries and fluvial features,~~  
14 ~~encompassed within the Counties of Sacramento and Yolo.~~  
15 ~~Projects may include, but are not limited to, those of regional~~  
16 ~~significance; capital improvements on riverfronts; maintenance~~  
17 ~~and operation of riverfronts, waterways, and parkways;~~  
18 ~~conservation and environmental studies and projects, but all~~  
19 ~~projects shall be designed to improve commerce within the~~  
20 ~~district. Projects shall be reviewed and approved as provided in~~  
21 ~~the Joint Port Governance Agreement dated January 15, 2006.~~

22 ~~(c) By January 31st of each year, the fund manager shall~~  
23 ~~provide the Sacramento-Yolo Port District, the City of~~  
24 ~~Sacramento, the County of Sacramento, the City of West~~  
25 ~~Sacramento, and the County of Yolo with a written annual~~  
26 ~~accounting of all fund activities for the previous year.~~

27 ~~(d) (1) If the North Terminal Property is closed and liquidated~~  
28 ~~within 10 years from January 15, 2006, the net proceeds shall~~  
29 ~~accrue to the Riverfront Enhancement Fund.~~

30 ~~(2) If the North Terminal Property is closed and liquidated~~  
31 ~~after 10 years from January 15, 2006, and prior to 20 years, the~~  
32 ~~net proceeds from the liquidation shall be distributed to the~~  
33 ~~Riverfront Enhancement Fund, less 10 percent for each year after~~  
34 ~~the initial 10-year period that shall be distributed to the City of~~  
35 ~~West Sacramento.~~

36 ~~(3) For purposes of this subdivision, "net proceeds" means the~~  
37 ~~amount of money received for the Sacramento-Yolo Port~~  
38 ~~District's remaining assets, less funds already transmitted, less~~  
39 ~~any liquidation costs, including retirement of district liabilities~~  
40 ~~and district environmental remediation, and less reimbursement~~

1 to the City of West Sacramento for any investment the City of  
 2 West Sacramento has made in the district, infrastructure required  
 3 for the district and on district property, or infrastructure required  
 4 to market district property.

5 6894.2. (a) Moneys in the Riverfront Enhancement Fund,  
 6 created by the Joint Port Governance Agreement dated January  
 7 15, 2006, shall be expended exclusively on projects related to the  
 8 Sacramento and American Rivers, including tributaries and  
 9 fluvial features, encompassed within the Counties of Sacramento  
 10 and Yolo. Projects may include, but are not limited to, those of  
 11 regional significance; capital improvements on riverfronts;  
 12 maintenance and operation of riverfronts, waterways, and  
 13 parkways; and conservation and environmental studies and  
 14 projects.

15 (b) In order to provide a disincentive for port closure to the  
 16 host jurisdiction, which would receive properties of the  
 17 Sacramento-Yolo Port District in event of its closure in  
 18 accordance with this code if Port of Sacramento is closed and  
 19 liquidated on or after January 15, 2016, and prior to January 15,  
 20 2026, the net proceeds from the liquidation shall be distributed to  
 21 the Riverfront Enhancement Fund, less 10 percent for each year  
 22 after January 15, 2016, that shall be distributed to the City of  
 23 West Sacramento.

24 SEC. 8. Section 6910 is added to the Harbors and Navigation  
 25 Code, to read:

26 6910. (a) Except as provided in subdivision (b), the  
 27 Sacramento-Yolo Port District shall not exercise the power of  
 28 eminent domain in the County of Sacramento, the City of  
 29 Sacramento, or the County of Yolo, without specific  
 30 authorization respectively from the County of Sacramento, the  
 31 City of Sacramento, or the County of Yolo.

32 (b) This section does not apply to the Sacramento-Yolo Port  
 33 District if it exercises the power of eminent domain in the city of  
 34 West Sacramento.

35 SEC. 9. If the Commission on State Mandates determines that  
 36 this act contains costs mandated by the state, reimbursement to  
 37 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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