

## Assembly Bill No. 2939

### CHAPTER 284

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.

[Filed with Secretary of State September 14, 2006.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2939, 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 5 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 prohibit the Sacramento-Yolo Port District from selling or dismantling certain property without the prior consent of specified local governmental entities, or selling or leasing for nonmaritime purposes, land in excess of 10 acres located in a designated area unless the board of port commissioners makes a written finding that the proposed sale or lease is necessary to maintain the financial viability of the port.

The bill would require that moneys 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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 6830.1 of the Harbors and Navigation Code is repealed.

SEC. 2. Section 6830.1 is added to the Harbors and Navigation Code, to read:

6830.1. Notwithstanding Section 6830, the Sacramento-Yolo Port Commission shall be composed of five members selected and appointed as follows:

(a) Four commissioners shall be appointed by the City Council of the City of West Sacramento, which commissioners may be members of the city council, and notwithstanding Section 6835, shall be residents of the City of West Sacramento. The appointments shall be made in the manner set by law for appointments by the City of West Sacramento.

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

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

6830.2. The boundaries of the Sacramento-Yolo Port District are hereby established to coincide with the first supervisorial district of the County of Yolo, as of October 1, 2005. The boundaries also shall include all property owned by the Sacramento-Yolo Port District in Solano County that was incorporated into the district by the Sacramento County Local Agency Formation Commission on May 29, 1992.

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

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

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

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

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

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

6894.1. Notwithstanding the provisions of Section 6894, the board of the Sacramento-Yolo Port District shall not do any of the following:

(a) Sell or dismantle the Deepwater Channel or the North Terminal Property without the prior consent of the City of Sacramento, the County of Sacramento, and the County of Yolo.

(b) Sell or lease for nonmaritime purposes, land in excess of 10 acres located north of Southport Parkway and west of Lake Washington, unless, prior to executing a sale or lease, the board makes a written finding, based on substantial evidence in the record, that the proposed sale or lease is necessary to maintain the financial viability of the port.

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

6894.2. (a) Moneys 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, including tributaries and fluvial features, encompassed within the Counties of Sacramento and Yolo. Projects may include, but are not limited to, those of regional significance; capital improvements on riverfronts; maintenance and operation of riverfronts, waterways, and parkways; and conservation and environmental studies and projects.

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

(c) Nothing in this section shall be construed to authorize or prohibit the sale or lease of any property of the Port of Sacramento.

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

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

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

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency

or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

O