

ASSEMBLY BILL

No. 1303

Introduced by Assembly Member Smyth

February 23, 2007

An act to add Chapter 1.56 (commencing with Section 5095.30) to Division 5 of the Public Resources Code, relating to parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1303, as introduced, Smyth. Urban Greening Act of 2007

Under existing law, programs have been established pursuant to bond acts for, among other things, the development and enhancement of state and local parks and recreational facilities.

The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative statute approved by the voters at the November 7, 2006, statewide general election, among other things, makes \$580,000,000 in bond funds available for improving the sustainability and livability of the state's communities through investment in natural resources. The initiative requires \$90,000,000 of those bond funds to be available for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits, and requires implementing legislation to provide for planning grants for urban greening programs.

This bill would require the Department of Parks and Recreation, consistent with those provisions of the initiative, to establish a local assistance program to offer grants, on a competitive basis, to an eligible city, county, or district authorized to provide park, recreational, or open-space services, or a combination of those services. The bill would

require the department, in evaluating an application for a grant, to assign higher priority to an application based on satisfying specified criteria.

The bill would authorize the department to implement the program only in a fiscal year for which funding is provided for this purpose in the annual Budget Act.

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. Chapter 1.56 (commencing with Section 5095.30)
2 is added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 1.56 URBAN GREENING ACT OF 2007

5
6 5095.30. This chapter shall be known and may be cited as the
7 Urban Greening Act of 2007.

8 5095.31. The Legislature hereby finds and declares both of the
9 following:

10 (a) The program created by this chapter will finance urban
11 greening in the neighborhoods most in need of trees and foliage.

12 (b) Urban greening will improve the quality of life, reduce air
13 pollution, save energy, and help to reduce global warming.

14 5095.32. As used in this chapter, the following terms shall have
15 the following meanings:

16 (a) “City” means a city or a city and county.

17 (b) “District” means a regional park district, regional park and
18 open-space district, or regional open-space district formed pursuant
19 to Chapter 3 (commencing with Section 5500), or a recreation and
20 park district formed pursuant to Chapter 4 (commencing with
21 Section 5780).

22 (c) “Nonprofit organization” means a nonprofit public benefit
23 corporation formed pursuant to the Nonprofit Corporation Law
24 (Division 2 (commencing with Section 5000) of the Corporations
25 Code), qualified to do business in California, qualified under
26 Section 501(c)(3) of Title 26 of the United States Code, and that
27 has among its primary purposes the preservation, protection, or
28 enhancement of land or water resources in their natural, scenic,
29 historical, agricultural, forested, or open-space condition or use,
30 or the provision of conservation and environmental education and

1 other recreational, vocational, and educational services to urban
2 youth.

3 (d) “School district” means a school district of any kind or class,
4 except a community college district, and as further defined pursuant
5 to Sections 80 to 87, inclusive, of the Education Code.

6 (e) “Urbanized county” means a county with a population of
7 200,000 or more, as determined by the Department of Finance on
8 the basis of the most recent verifiable census data.

9 5095.33. Consistent with subdivision (a) of Section 75065, the
10 department shall establish a local assistance program to offer
11 grants, on a competitive basis, to an eligible city, county, or district
12 authorized to provide park, recreational, or open-space services,
13 or a combination of those services.

14 5095.34. The following entities are eligible to apply for grants
15 pursuant to this chapter:

16 (a) An urbanized county.

17 (b) A city or district, irrespective of population, in an urbanized
18 county.

19 5095.35. The department may award a grant pursuant to this
20 chapter only for a project that is within the jurisdiction of an
21 eligible applicant, as specified in Section 5095.34.

22 5095.36. In evaluating an application for a grant that meets the
23 requirements of Section 5095.35, the department shall assign higher
24 priority to an application, for each of the following criteria
25 satisfied:

26 (a) The amount of the grant sought, plus any locally contributed
27 amount, will meet the cost of the project, and will be fully usable
28 by the residents of the project’s area.

29 (b) The project provides multiple benefits.

30 (c) The project will reduce energy consumption, conserve water,
31 improve air and water quality, and provide other community
32 benefits.

33 (d) The project uses existing public lands.

34 (e) The project serves a community with the greatest need for
35 urban greening.

36 (f) The project facilitates joint use of public resources and
37 investments, including schools.

38 (g) The project involves partnerships between the applicant and
39 one or more of the following entities:

40 (1) Volunteer groups.

- 1 (2) Local service organizations.
- 2 (3) Nonprofit organizations.
- 3 (4) California Conservation Corps.
- 4 (5) Certified local conservation corps.
- 5 (6) School districts.

6 (h) The development phase of the project was planned with
7 public input from the affected community.

8 5095.37. (a) The department shall adopt guidelines to amplify
9 or clarify the criteria specified in Section 5095.36, and may adopt
10 additional criteria, to supplement those criteria, but the scope of
11 the additional criteria shall be limited to providing additional
12 guidance in selecting projects in areas that have the greatest
13 deficiencies in urban greening.

14 (b) The department shall develop a procedural guide for the
15 administration of this chapter and the guidance of applicants.

16 (c) The department shall solicit written comments and hold
17 public hearings at convenient locations throughout the state on a
18 guideline or procedural guide that is proposed to be adopted or
19 developed pursuant to this section.

20 (d) A regulation or procedural guide adopted or developed
21 pursuant to this section shall not be subject to the review or
22 approval of the Office of Administrative Law or to any other
23 requirement of Chapter 3.5 (commencing with Section 11340) of
24 Part 1 of Division 3 of Title 2 of the Government Code.

25 (e) The department may not expend more than 5 percent of the
26 amount annually appropriated for the purposes of this chapter for
27 administrative costs of the grant program.

28 5095.38. (a) An applicant for a grant shall agree to comply
29 with all of the following requirements:

30 (1) To operate and maintain the property developed so that it is
31 usable by residents of the project's area. With the approval of the
32 department, the grant recipient, or its successor in interest of the
33 property, may transfer its property interest and the responsibility
34 to operate and maintain the property, in accordance with the terms
35 of the grant and any applicable law, to a public agency that is able
36 to operate and maintain the property in perpetuity. Any attempt to
37 make a transfer in violation of this paragraph is void.

38 (2) To use the property only for the purposes for which the grant
39 was made and to make no other use or sale or other disposition of
40 the property, except as expressly authorized by a specific provision

1 of law. If the use of the property is changed to a use that is not
2 permitted by the terms of the grant, or if the property is sold or
3 otherwise disposed of, the grant recipient shall reimburse the state
4 an amount equal to the amount of the grant, the fair market value
5 of the land and any improvements constructed with the grant, or
6 the proceeds from the sale or other disposition, whichever amount
7 is greatest. If the property that is sold or otherwise disposed of is
8 less than the entire interest in the property funded with the grant,
9 the grant recipient shall reimburse the state an amount equal to
10 either the proceeds from the sale or other disposition of the interest
11 or the fair market value of the interest sold or otherwise disposed
12 of, whichever amount is greater.

13 (b) In lieu of seeking reimbursement pursuant to paragraph (2)
14 of subdivision (a), the department may impose restrictions on the
15 use of public park property identical to the requirements for the
16 preservation of public parks set forth in the Public Park
17 Preservation Act of 1971 (Chapter 2.5 (commencing with Section
18 5400)) with respect to any property used, sold, or otherwise
19 disposed of in a manner not permitted by the terms of the grant.

20 5095.39. A grant recipient shall encumber grant moneys within
21 three years of the date of appropriation, and liquidate the funds
22 within eight years of the date of appropriation.

23 5095.40. Except as provided in Section 5095.41, the department
24 shall implement this chapter no less than five fiscal years over a
25 10-fiscal-year period.

26 5095.41. The department may implement this chapter only in
27 a fiscal year for which funding is provided for this purpose in the
28 annual Budget Act.