

CITY OF OAKLAND
BILL ANALYSIS

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY 29 PH 3: 23

Date: May 23, 2008

Bill Number: AB 31 - Statewide Park Development and Community Revitalization Act of 2007

Bill Author: Assembly Member De Leon

DEPARTMENT INFORMATION:

Contact: Lily Soo Hoo, Project Manager
Department: Community & Economic Development Agency
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RECOMMENDED POSITION: Support as amended.

Summary of the Bill:

AB 31 proposes \$400 million designated by Proposition 84 for Sustainable Communities in Local and Regional Parks be made available to the Department of Parks & Recreation for award of competitive grants in accordance to the Urban Parks Act of 2006, changes the target definition of "heavily urbanized county" to "critically underserved community," and identifies the priority criteria for grant awards.

The Bill seeks to provide funds to create new parks, new recreational opportunities, or expand overused parks for underserved communities.

Positive Factors for Oakland:

The approval of the bill will provide City of Oakland with opportunities to obtain funding for capital parks projects. AB 31 defines the purpose of the bill as to provide new recreational opportunities and park spaces for critically underserved communities with highest need through creation of new parks or expansion of overused parks. City of Oakland can potentially gain funds to implement Council approved park prioritization projects and park-related facilities.

AB 31 expands on the previous Urban Park and Murray Hayden programs. The bill identifies priority grant award criteria similar to previous programs. The criteria substantially align with City of Oakland Park Prioritization criteria to expand services

Item: _____
Rules & Legislation Committee
June 12, 2008

and recreational opportunities as well as provide service and amenities to youth and underserved areas. The City had received over \$10 millions of funds through the previous programs.

Negative Factors for Oakland: None

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical (top priority for City lobbyist, city position required ASAP)**
- Very Important (priority for City lobbyist, city position necessary)**
- Somewhat Important (City position desirable if time and resources are available)**
- Minimal or None (do not review with City Council, position not required)**

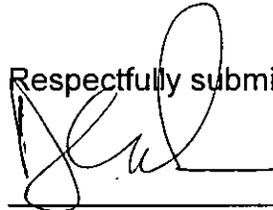
Known Support: American Federation of State, County and Municipal Employees (AFSCME), Trust for Public Lands

Known Opposition: None on file

Attach bill text and state/federal legislative committee analysis, if available.

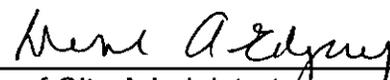
Bill Analysis attached.

Respectfully submitted,



Dan Lindheim
Director, Community & Economic
Development Agency

Approved for Forwarding to
Rules Committee


Office of City Administrator

Item: _____
Rules & Legislation Committee
June 12, 2008

BILL NUMBER: AB 31 AMENDED
BILL TEXT

AMENDED IN SENATE SEPTEMBER 7, 2007
AMENDED IN SENATE SEPTEMBER 5, 2007
AMENDED IN SENATE JULY 3, 2007
AMENDED IN ASSEMBLY APRIL 10, 2007

INTRODUCED BY Assembly Member De Leon
(Coauthors: Assembly Members Bass, Coto, Hernandez, Mendoza,
Nunez, Saldana, Solorio, Soto, and Torrico)
(Coauthors: Senators Cedillo and Padilla)

DECEMBER 4, 2006

An act to amend Sections 5640, 5641, 5642, 5643, 5644, 5645, 5646, 5647, 5648, 5649, 5650, 5651, ~~and 5653~~ 5653, and 5754 of, to amend the heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of, and to add Sections 5643.6 and 5652.5 to, the Public Resources Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 31, as amended, De Leon. Statewide Park Development and Community Revitalization Act of 2007.

The Urban Park Act of 2006 (act) requires the Department of Parks and Recreation (department) to establish a local assistance program to offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities. Heavily urbanized counties are authorized to apply for these grants.

This bill would change the name of the act to the Statewide Park Development and Community Revitalization Act of 2007. A city, regional park district, district, joint powers authority, or county, in addition to specified nonprofit organizations, would be authorized to apply for local assistance program grants. The term "critically underserved community" would replace the term "heavily urbanized county" for purposes of the act and would be defined to include a community with less than 3 acres of usable parkland per 1,000 residents or is a disadvantaged community, as defined, and can demonstrate to the Department of Parks and Recreation that the community has insufficient or no park and recreation facilities. The bill would revise the criteria for awarding grants, and require the department on or before April 1, 2009, to adopt guidelines to amplify or clarify the grant criteria or develop a procedural guide for the administration of the act and the guidance of applicants. The department would be required to offer technical assistance to all applicants and potential applicants for both grant preparation and project development to encourage full participation in the grant program.

The bill would make clarifying and conforming changes to other provisions of the act.

The bill would require funds appropriated under the Safe Drinking Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 for projects in accordance with the California River Parkways Act of 2004, and funds appropriated for the Statewide

Park Development and Community Revitalization Act of 2007, be divided so that projects in counties receive a portion of funds that is based on the county's population.

~~The bill would provide that it would be operative only if SB 732 of the 2007-08 Regular Session is enacted and becomes effective on or before January 1, 2008.~~

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to make available to the Department of Parks and Recreation, upon appropriation, four hundred million dollars (\$400,000,000) *provided by subdivision (b) of Section 75065 of the Public Resources Code* that shall be used to award competitive grants pursuant to the Statewide Park Development and Community Revitalization Act of 2007 (Chapter 3.3 (commencing with Section 5640) of Division 5 of the Public Resources Code).

SEC. 2. The heading of Chapter 3.3 (commencing with Section 5640) of Division 5 of the Public Resources Code is amended to read:

CHAPTER 3.3. THE STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION ACT OF 2007

SEC. 3. Section 5640 of the Public Resources Code is amended to read:

5640. This chapter shall be known, and may be cited, as the Statewide Park Development and Community Revitalization Act of 2007.

SEC. 4. Section 5641 of the Public Resources Code is amended to read:

5641. The Legislature hereby finds and declares as follows:

(a) The program created by this chapter will finance the acquisition and development of parks and recreation areas and facilities in the communities that are currently least served by park and recreation facilities by emphasizing the creation of opportunities and the expansion of park accessibility to underserved communities. These underserved communities are often the same areas that suffer most from high unemployment and destructive or unlawful conduct by youth.

(b) The program established by this chapter will encourage community participation in, and a greater sense of responsibility toward, new parks and recreation areas and facilities, which will help keep them clean and safe and which will enhance community pride and sustain neighborhood vitality.

(c) New parks and facilities will provide safe recreational opportunities for children, positive outlets, and secure sites for youth, while also meeting the special recreational and social needs of senior citizens and other population groups.

(d) California suffers from an acute shortage of parks throughout the state, particularly in poor communities.

(e) It is therefore the intent of the Legislature that the funds made available through the Statewide Park Development and Community Revitalization Act of 2007 be used to award competitive grants statewide to advance certain goals and policies, including, but not limited to, assisting in the development of park and recreation opportunities to critically underserved communities. It is further the intent of the Legislature that this be accomplished by delivering project funds to neighborhood and regional park projects in areas of

highest need.

SEC. 5. Section 5642 of the Public Resources Code is amended to read:

5642. As used in this article, the following terms shall have the following meanings:

(a) "City" means a city or the City and County of San Francisco.

(b) "Critically underserved community" means a community that meets either of the following:

(1) Has less than three acres of usable parkland per 1,000 residents.

(2) Is a disadvantaged community, as defined by subdivision (g) of Section 75005, and can demonstrate to the department that the community has insufficient or no park and recreation facilities.

(c) "District" means one of the following:

(1) A recreation and park district formed under Chapter 4 (commencing with Section 5780).

(2) A public utility district formed under Division 7 (commencing with Section 15501) of the Public Utilities Code in a nonurbanized area that employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by that district.

(3) A memorial district formed under Chapter 1 (commencing with Section 1170) of Division 6 of the Military and Veterans Code that employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by that district.

(4) The Malaga County Water District exercising powers authorized under Section 31133 of the Water Code.

(5) A community service district formed under Division 3 (commencing with Section 61000) of Title 6 of the Government Code in a nonurbanized area that is authorized to provide public recreation as specified in subdivision (e) of Section 61100 of the Government Code.

(6) A county service area or zone in the county service area, within the County of San Bernardino that is empowered to provide public park and recreation services pursuant to Chapter 2.2 (commencing with Section 25210.1) of Part 2 of Division 2 of Title 3 of the Government Code, that is actually providing public park and recreation services that was reorganized prior to January 1, 1987, from a park and recreation district to a county service area or zone.

(7) A regional park district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 *or state-owned lands that provide regional recreational benefits that are designed to serve multiple critically underserved communities*.

(d) "Facilities" includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; nonmotorized recreational trails; permanent play structures; landscaping; community gardens; places for passive recreation, enjoyment of scenic open space, nature appreciation and study, and outdoor education; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other population groups; recreation areas created by the redesign and retrofit of urban freeways; community swimcenters; regional recreational trails; and infrastructure and other improvements that support these facilities.

(e) "Nonprofit organization" means any nonprofit ~~public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code),~~ entity qualified to do business in California,

qualified under Section 501(c)(3) of Title 26 of the United States Code, and that has among its primary purposes the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open-space condition or use, or the provision of conservation and environmental education and other recreational, vocational, and educational services to youth.

SEC. 6. Section 5643 of the Public Resources Code is amended to read:

5643. The Department of Parks and Recreation shall establish a local assistance program to distribute grants to the most park needy communities across the state, on a competitive basis, to eligible cities, counties, joint powers authorities, districts, and nonprofit organizations for the acquisition or development, or both, of property for parks and recreation areas and facilities.

SEC. 7. Section 5643.6 is added to the Public Resources Code, to read:

5643.6. It is the intent of the Legislature that the local assistance program created by this chapter fund both neighborhood parks and regional parks and trails.

SEC. 8. Section 5644 of the Public Resources Code is amended to read:

5644. Eligible applicants for grants pursuant to this chapter are cities, counties, regional park districts, districts, joint powers authorities, and nonprofit organizations.

SEC. 9. Section 5645 of the Public Resources Code is amended to read:

5645. The department may award a grant pursuant to this chapter only for a project that meets all of the following criteria:

(a) The proposed project will create a new park where one currently does not exist, a new or multipurpose facility, or new recreational opportunity.

(b) The project will serve a critically underserved community or in the case of a regional park or trail, the project has a primary service area that includes residents of critically underserved communities.

(c) The proposed project is designed to provide efficient use of water and other natural resources, including, but not limited to, projects that utilize green construction methods, climate-appropriate vegetation, management techniques, such as stormwater capture and storage, and reduction for both dry and wet runoffs, minimizing the use of pesticides and fertilizers, and impervious surfaces.

(d) The amount of the grant applied for, together with any matching contribution, will meet all the costs of acquiring or developing, or both, the new park or facilities, and when construction of the project is completed, the new park or facility will be fully usable by the residents of the project's service area.

SEC. 10. Section 5646 of the Public Resources Code is amended to read:

5646. In evaluating applications for grants that meet the requirements of Section 5645, the department shall assign higher priority to applications, for each of the following criteria satisfied:

(a) The project will acquire new parks, develop new parks, or expand overused parks in a community that has insufficient or no park and recreation facilities. In evaluating the deficiency level of park and recreation facilities in a service area, the department shall consider the number of acres of usable parkland per 1,000 residents.

(b) The project's service area has a significant percent of persons living at or below the poverty level.

(c) The project's service area has a significant unemployment rate.

(d) The applicant has actively involved the public and community-based groups in the selection and planning of the project.

(e) The project's service area has a significant number of children under the age of 18 years.

(f) The project will enhance workforce development and employment opportunities or accommodate outdoor learning opportunities for school pupils, at-risk youth in the service area, members of the California Conservation Corps, or members of a certified local conservation corps.

(g) The project is a joint partnership project between two or more agencies, including, but not limited to, school districts, nonprofit organizations, and local governmental agencies that share responsibility for ownership, development, and maintenance of the project in order to enhance investment of public resources.

SEC. 11. Section 5647 of the Public Resources Code is amended to read:

5647. (a) The department shall adopt guidelines to amplify or clarify the criteria specified in Section 5646, and may adopt additional criteria, to supplement those criteria, but the scope of the additional criteria shall be limited to providing additional guidance in selecting projects in areas that have the greatest deficiencies in parks and facilities.

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

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

(d) The department shall offer technical assistance to all applicants and potential applicants for both grant preparation and project development in order to encourage full participation in the grant program.

(e) The department shall allow grant awardees to spend a portion of their grant for project planning and other incidental, but directly related, construction or acquisition costs.

(f) The department shall adopt the guidelines or develop the procedural guide on or before April 1, 2009.

(g) Any regulation or procedural guide adopted or developed pursuant to this section shall not be subject to the review or approval of the Office of Administrative Law or to any other requirement of Chapter 3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

(h) The department shall not expend more than 5 percent of the amount annually appropriated for the purposes of this chapter for administrative costs, with a minimum of 1 percent being used to support technical assistance.

(i) If funding is available, the department shall administer application requests for proposals and grant awards in no less than two cycles in one year. The department shall maintain this application schedule as long as funding is available.

SEC. 12. Section 5648 of the Public Resources Code is amended to read:

5648. (a) The local assistance program created by this chapter is intended to include grants for the acquisition or development, or both, of parcels of property of any size that will serve residents of a critically underserved community and otherwise meet the

requirements of this chapter. The department shall not assign an application a lower priority on the basis that the application proposes the acquisition of a city lot or other small parcel.

(b) A grant may be expended to acquire the fee title, a leasehold, or other interest in real property. If an application proposes to acquire less than fee title, the applicant shall demonstrate in the application, to the satisfaction of the department, that the proposed project will provide public benefits that are commensurate with the type and duration of the interest in real property to be acquired.

SEC. 13. Section 5649 of the Public Resources Code is amended to read:

5649. Any eligible nonprofit organization may apply for a grant on its own behalf or on behalf of an eligible city, county, or district pursuant to a contract with that city, county, or district to acquire and develop the park or recreation area. The application may include a copy of the contract and the resolution or other authorization for the contract. The contract shall specify arrangements for the long-term management and operation of the park or recreation area.

SEC. 14. Section 5650 of the Public Resources Code is amended to read:

5650. (a) Every applicant for a grant pursuant to this chapter and the entity that will operate and maintain the property, if that entity is different than the applicant, shall agree to comply with all of the following requirements:

(1) To operate and maintain the property developed pursuant to this chapter so that it is usable by residents of the targeted critically underserved community. With the approval of the department, the grant recipient, or its successor in interest in the property, may transfer its property interest and the responsibility to operate and maintain the property, in accordance with the terms of the grant and any applicable law, to a public agency or nonprofit organization that is able to operate and maintain the property in perpetuity. Any attempt to make a transfer in violation of this subdivision is void.

(2) To use the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by specific act of the Legislature. If the use of the property is changed to a use that is not permitted by the terms of the grant, or if the property is sold or otherwise disposed of, the grant recipient shall reimburse the state an amount equal to the amount of the grant, the fair market value of the land and any improvements constructed with the grant, or the proceeds from the sale or other disposition, whichever amount is greatest. If the property that is sold or otherwise disposed of is less than the entire interest in the property funded with the grant, the grant recipient shall reimburse the state an amount equal to either the proceeds from the sale or other disposition of the interest or the fair market value of the interest sold or otherwise disposed of, whichever amount is greater.

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

SEC. 15. Section 5651 of the Public Resources Code is amended to read:

5651. (a) The recipient of a grant pursuant to this chapter may

use the grant funds to pay for any portion of the cost of cleaning up, removing, or remediating any toxic materials or hazardous substances, if the amount used for cleanup, removal, or remediation does not exceed 20 percent of the grant allocated to the project.

(b) To ensure that the park needs of critically underserved communities across the state have an opportunity to be assisted by this program, all funds appropriated for use pursuant to this chapter shall be divided so that projects in counties with populations larger than 1,000,000, projects in counties with populations between 200,000 and 1,000,000, and projects in counties with populations of less than 200,000 people receive a portion of funds equal to the proportion of the state's population found in each of these categories as determined by the Department of Finance on the basis of the most recent verifiable census data.

(1) The department may establish individual grant size limitations for projects in each of these county groups.

(2) If the jurisdiction of an applicant encompasses more than one county, as in the case of some regional park districts, an application shall be considered under the program where the proposed project is located.

SEC. 16. Section 5652.5 is added to the Public Resources Code, to read:

5652.5. A grant recipient shall encumber grant moneys within three years of the date of the approval of the grant and shall be liquidated within eight years from the date of appropriation.

SEC. 17. Section 5653 of the Public Resources Code is amended to read:

5653. On or before April 30, 2010, and on or before April 30 annually thereafter, the department shall submit a report to the Legislature on the grants made pursuant to this chapter, including, but not limited to, the status of the awarded project, the project's service area, and the project's benefits. The report shall also include how the department has given technical assistance in project development and grant preparation to underserved communities.

SEC. 18. Section 5754 of the Public Resources Code is amended to read:

5754. (a) To the extent funds are available, the secretary shall develop guidelines for the preparation and consideration of river parkway plans for the purpose of Section 5753 and may award grants to assist in development of such plans.

(b) (1) To ensure that the river parkway needs of communities across the state have an opportunity to be assisted by the California River Parkways Act of 2004, Chapter 3.8 (commencing with Section 5750), all funds appropriated for use pursuant to subdivision (d) of Section 75050 shall be divided so that projects in counties with populations larger than 1,000,000, projects in counties with populations between 200,000 and 1,000,000, and projects in counties with populations with less than 200,000 people receive a portion of funds equal to the proportion of the state's population found in each of these categories as determined by the Department of Finance on the basis of the most recent verifiable census data.

(b) If the jurisdiction of an applicant encompasses more than one county, an application shall be considered under the program where the proposed project is located.

~~SEC. 18. This bill shall become operative only if Senate Bill 732 is enacted and becomes effective on or before January 1, 2008.~~

SENATE RULES COMMITTEE	AB 31
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520 Fax: (916)	
327-4478	

THIRD READING

Bill No: AB 31
 Author: De Leon (D), et al
 Amended: 9/7/07 in Senate
 Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE : 5-2, 7/10/07
 AYES: Steinberg, Kehoe, Kuehl, Machado, Migden
 NOES: Cogdill, Hollingsworth
 NO VOTE RECORDED: Margett

SENATE APPROPRIATIONS COMMITTEE : 10-7, 8/30/07
 AYES: Torlakson, Cedillo, Corbett, Florez, Kuehl, Oropeza,
 Ridley-Thomas, Simitian, Steinberg, Yee
 NOES: Cox, Aanestad, Ashburn, Battin, Dutton, Runner,
 Wyland

ASSEMBLY FLOOR : 48-27, 6/5/07 - See last page for vote

SUBJECT : Statewide Park Development and Community
 Revitalization
 Act of 2007

SOURCE : Author

DIGEST : This bill establishes the Statewide Parks
 Development and Community Revitalization Act of 2007 which
 would fund the acquisition and development of parks,
 recreation areas, and facilities in the communities of
 highest need.

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AB 31
Page

2

Senate Floor Amendments of 9/7/07 require funds which were made available by Prop 84 for projects in accordance with the California River Parkways Act of 2004 to be distributed among three categories of counties based on county population (greater than 1 million people, between 200,000 and 1,000,000 people, and less than 200,000 people), and make clarifying changes.

ANALYSIS : On November 7, 2006, the voters approved the voter initiative titled The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the state to sell \$5.4 billion in general obligation for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements.

Specifically, Proposition 84 included \$400 million for competitive grants for local and regional parks. The terms of the bonds required the following priorities:

- 1.Acquisition and development of new parks and expansion of overused parks that provide park and recreational access to underserved communities.
- 2.Creation of parks in neighborhoods where none currently exist.
- 3.Applicants that actively involve community based groups in the selection and planning of projects.

All projects must be designed to provide efficient use of water and other natural resources.

The Murray-Hayden Urban Parks and Youth Services Program distributed grant bond funds from both Proposition 12 and 40. Heavily urbanized counties, heavily urbanized cities, districts, and nonprofit organizations within these jurisdictions were eligible applicants. Funding could be used for the acquisition, development, and rehabilitation of parks, park facilities, environmental enhancement projects, youth centers, or environmental youth centers that were in the immediate proximity of a neighborhood that had a critical lack of park or open space lands or

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AB 31
Page

3

deteriorated park facilities, had significant poverty and unemployment, and had a shortage of youth services. Priority was given to capitol projects that employed neighborhood residents and at-risk youth.

The Urban Park Act of 2001 distributed grant bond funds from Proposition 40. Eligible applicants included heavily urbanized counties and its cities, heavily urbanized cities, and nonprofit organizations with these jurisdictions. Eligible projects included the acquisition or development of property for new urban parks or new recreational or multipurpose facilities.

This bill:

1. Makes legislative findings regarding the benefit of parks and facilities for recreation needs, physical health, community pride, environmental benefits, and crime reduction.
2. Requires DPR to establish a competitive local assistance program that will fund both neighborhood and regional parks throughout the state in "a fair and equitable manner." Eligible projects must result in the creation of a new park, facility, or opportunity.
3. Makes the following definitions:
 - A. City - City or City and County of San Francisco.
 - B. Critically underserved community - (1) Has less than two acres of usable parkland per 1,000 residents or (2) Is a disadvantaged community.
 - C. District - (1) A recreation and park district, (2) A public utility district in a nonurbanized area that employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by that district, (3) A memorial district that employs a full-time park and recreation director and offers year-round park and recreation services on lands and facilities owned by that district, (4) The Malaga County Water District, (5) A community service district in a nonurbanized

area that is authorized to provide public recreation,
(6) A county service area or zone in the county
service area, within the County of San Bernardino
that is empowered to provide public park and
recreation services, (7) A regional park district.

- D. Facilities- includes, but not limited to, places for organized team sports, outdoor recreation, nonmotorized recreational trails; permanent play structures, open space, environmental recreation areas created by the redesign and retrofit of urban freeways, community swim centers, regional recreational trails.
- E. Non-profit organization - Any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law, qualified to do business in California, qualified under Section 501(c)(3) of Title 26 of the United States Code, and that has among its primary purposes the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open-space condition or use, or the provision of conservation and environmental education and other recreational, vocational, and educational services to youth.
4. Establishes cities, counties, regional park districts, districts, joint powers authorities, and nonprofits as eligible applicants. A nonprofit may apply for a grant on behalf of an eligible city, county, or district pursuant to a contract with that entity.
5. States that DPR may award grants if all the following criteria are met:
- A. The proposed project will create a new park where one currently does not exist, a new or multipurpose facility, or new recreational opportunity.
- B. The project will serve a critically underserved community or in the case of a regional park or trail, the project has a primary service area that includes residents of critically underserved communities.

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AB 31
Page

5

- C. The proposed project is designed to provide efficient use of water and other natural resources.
- D. The amount of the grant applied for, together with any matching contribution, will meet all the costs of acquiring or developing, or both, the new park or facilities, and when construction of the project is completed, the new park or facility will be fully usable by the residents of the project's service area.
6. Requires funds which were made available by Prop 84 for projects in accordance with the California River Parkways Act of 2004 to be distributed among three categories of counties based on county population (greater than 1 million people, between 200,000 and 1,000,000 people, and less than 200,000 people), and make clarifying changes.
7. Gives priority to project applications for each of the following criteria met:
- A. The project will acquire new parks, develop new parks, or expand overused parks in a community that has insufficient or no park and recreation facilities. In evaluating the deficiency level of park and recreation facilities in a service area, the department shall consider the number of acres of usable parkland per 1,000 residents.
- B. The project's service area has a significant percent of persons living at or below the poverty level.
- C. The project's service area has a significant unemployment rate.
- D. The applicant has actively involved the public and community-based groups in the selection and planning of the project.
- E. The project's service area has a significant number of children under the age of 18 years.

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AB 31
Page

6

- F. The project will enhance workforce development and employment opportunities or accommodate outdoor learning opportunities for school pupils, at-risk youth in the service area, members of the California Conservation Corps, or members of a certified local conservation corps.
- G. The project is a joint partnership project between two or more agencies, including, but not limited to, school districts, nonprofit organizations, and local governmental agencies that share responsibility for ownership, development, and maintenance of the project in order to enhance investment of public resources.
8. Requires DPR to adopt guidelines and a procedural guide for the program on or before April 1, 2009 and exempt the guidelines from review and approval of the Office of Administrative Law.
9. Requires DPR to conduct at least two grant cycles for every year that funding is available and to offer technical assistance to applicants, spending no more than five percent of the funds for administrative costs, and submit an annual report on awarded grants.
10. Requires every grant applicant to operate and maintain the property so that is usable by the residents of the targeted critically underserved community. The applicant, with DPR's approval, may transfer its property interest and operation and maintenance responsibilities to a public agency or a nonprofit.
11. Allows the grants recipient to use up to 20 percent of the grant funds to pay for remediation or any toxic materials or hazardous substances.
12. Requires the DPR to disburse the \$400 million through three competitive grant programs based upon county size and separates counties into "heavily urbanized," "urbanized," and "nonurbanized" categories.
13. Expands the definition of "regional park district" to

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7

include state-owned lands.

14.Changes the definition of nonprofit so that the entity must be qualified under federal law, not state and federal law.

FISCAL EFFECT : Appropriation: No Fiscal Com.: Yes
Local: No

According to the Senate Appropriations Committee:

Fiscal Impact (in thousands)

<u>Major Provisions</u>	<u>2007-08</u>	<u>2008-09</u>
<u>2009-10</u> <u>Fund</u>		
DPR guidelines/administration		
unknown, significant (up to 3 percent)		GF*
Cost Pressure	\$600,000	BF*
DPR reporting to Legislature		unknown,
potentially significant		BF*

*Proposition 84 (\$400 million) and Proposition 1C (\$200 million)

SUPPORT : (Verified 9/6/07)

- Alianza de los Pueblos del R?o
- American Federation of State, County and Municipal Employees
- Anahuak Youth Soccer Association
- Audubon California
- Ballona Network
- California State Horseman's Association
- California State Parks Foundation
- City of Lynwood, California
- City of Maywood, California
- Coalition for a Safe Environment
- Coalition for Clean Air
- Comite Pro Uno
- Communities for a Better Environment
- Consejo de Federaciones Mexicanas En Norte America (COFEM)
- Del Amo Action Committee
- Eagle Rockdale Community Garden & Art Park
- Earth Day Los Angeles

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AB 31
Page

8

Eastyard Communities for Environmental Justice
Effie Turnbull, Esq.
Grassroots Coalition
Healthy Parks, Healthy Communities, The Trust for Public
Land
Latino Health Access
Latino Urban Forum
Los Angeles Community Garden Council
Los Angeles Conservation Corps
Los Angeles Neighborhood Land Trust
Los Angeles-32 Neighborhood Council
Mujeres de la Tierra
Natural Resources Defense Council (NRDC)
North East Trees
Parks for People
Physicians for Social Responsibility
Private Constituents:
Progressive Christians Uniting
Sierra Club
The City Project
The Nature Conservancy
The River Project
Trust for Public Land
Urban Semillas
Verde Coalition
William Velazquez Institute

ARGUMENTS IN SUPPORT : According to the author's office, "AB 31 builds upon the existing Urban Parks and Murray-Hayden Park Programs funded under Proposition 12 and 40, modifying the criteria to ensure that underserved communities in the highest need of improved park access can complete competitively in a grant process, and provides technical assistance grants and support. By modifying existing programs, instead of inventing entirely new ones, AB 31 builds upon the lessons learned from previous programs and offers the Department of Parks and Recreation (DPR) and applicants a familiarity with the central scoring criteria, enabling DPR to get the program up and running sooner. The scoring criteria targets funding to communities with higher than average rates of poverty, unemployment, children under 18, as well as supporting projects that are joint partnerships with local agencies

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AB 31
Page

9

and non-profit organizations, providing efficient use of water and natural resources."

ASSEMBLY FLOOR :

AYES: Arambula, Bass, Beall, Berg, Brownley, Caballero, Charles Calderon, Carter, Coto, Davis, De La Torre, De Leon, DeSaulnier, Dymally, Eng, Evans, Feuer, Fuentes, Gaines, Galgiani, Hancock, Hayashi, Hernandez, Huffman, Jones, Karnette, Krekorian, Laird, Leno, Levine, Lieber, Lieu, Ma, Mendoza, Mullin, Nava, Parra, Portantino, Price, Richardson, Ruskin, Salas, Saldana, Solorio, Swanson, Torrico, Wolk, Nunez

NOES: Adams, Aghazarian, Anderson, Benoit, Blakeslee, Cook, DeVore, Duvall, Emmerson, Fuller, Garcia, Garrick, Horton, Houston, Huff, Jeffries, Keene, La Malfa, Maze, Nakanishi, Niello, Sharon Runner, Silva, Spitzer, Strickland, Villines, Walters

NO VOTE RECORDED: Berryhill, Plescia, Smyth, Soto, Tran

CTW:n1 9/8/07 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY 29 PM 3:23

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER

RESOLUTION DECLARING COUNCIL SUPPORT FOR ASSEMBLY BILL NO. 31, WHICH WOULD ESTABLISH LEGISLATIVE INTENT TO MAKE \$400 MILLION AVAILABLE FOR THE ACQUISITION AND DEVELOPMENT OF URBAN PARKS, RECREATIONAL AREAS AND FACILITIES THROUGH COMPETITIVE GRANTS UNDER THE URBAN PARKS ACT OF 2006, CHANGES THE TARGET COMMUNITY DEFINITION FROM "HEAVILY URBANIZED COUNTY" TO "CRITICALLY UNDERSERVED COMMUNITY" AND ESTABLISHES PRIORITY GRANT AWARD CRITERIA

WHEREAS, AB 31 (De Leon), which prioritizes funding for the urban parks and recreational areas and facilities in underserved park-deficient communities throughout California, is currently pending in the California Legislature (Senate); and

WHEREAS, the bill would allocate \$400 million of Proposition 84 park funds through a competitive grant program administered by the California Department of Parks and Recreation (DPR) to local public entities and nonprofits for the acquisition or development, or both, of urban parks and recreational areas and facilities, would redefine the target community from "Heavily Urbanized County" to "Critically Underserved Community" and would establish priority grant award criteria; and

WHEREAS, the City of Oakland is committed to improve and maximize recreational opportunities for youths and the public and the Council approved a park prioritization list as the basis for implementation of a recreational facilities improvement plan; and

WHEREAS, the bill provides the City with fund opportunities for needed parks and facilities improvements; now therefore, be it

RESOLVED: That the City Council declares its support for AB 31 (De Leon) and the City Administrator is directed to advocate the City's position to the State Legislature through the City's state lobbyist.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California