

MEETING DATE:

May 29, 2007

AGENDA ITEM:

**Discussion of a City Council Position on AB 3 (Bass)
Baldwin Hills Conservancy: Repeal.**

ATTACHMENTS

	<u>Pages</u>
1. AB 3 Baldwin Hills Conservancy: repeal.	1
2. AB 3 Bill Analysis-Assembly Natural Resources Committee.	2-5
3. AB 3 Bill Analysis-Assembly Appropriations Committee.	6-7

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Bass

December 4, 2006

An act to repeal Section 32580 of the Public Resources Code, relating to the Baldwin Hills Conservancy.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Bass. Baldwin Hills Conservancy: repeal.

Existing law establishes the Baldwin Hills Conservancy to acquire and direct the management of public lands within the Baldwin Hills area of Los Angeles County, as defined, and prescribes the management, powers, and duties of the conservancy. Existing law repeals the provisions establishing the conservancy on January 1, 2008.

This bill would delete that repeal date, thereby continuing the existence of the conservancy indefinitely.

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. Section 32580 of the Public Resources Code is
2 repealed.
3 32580. ~~This division shall remain in effect only until January~~
4 ~~1, 2008, and as of that date is repealed, unless a later enacted~~
5 ~~statute, that is enacted before January 1, 2008, deletes or extends~~
6 ~~that date.~~

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**2007 CA A 3 : Bill Analysis - Assembly Natural Resources Committee
- 04/09/2007**

BILL ANALYSIS

Date of Hearing: April 9, 2007

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Loni Hancock, Chair

AB 3 (Bass) - As Introduced: December 4, 2006

SUBJECT: Baldwin Hills Conservancy.

SUMMARY: Repeals the sunset date for the Baldwin Hills Conservancy (BHC). In effect, the BHC would continue in existence indefinitely.

EXISTING LAW

1) Establishes the BHC, until January 1, 2008, to acquire and manage public lands within the Baldwin Hills area, and to provide recreational, open space, wildlife habitat restoration and protection, and lands for educational uses within the area; and

2) Requires the Legislative Analyst Office (LAO) to review the effectiveness and progress of BHC in acquiring and developing open space land and recreational opportunities in the Baldwin Hills area, and to submit to the Legislature a report evaluating whether the termination date for BHC should be extended to meet its goals.

FISCAL EFFECT:

Unknown

COMMENTS:

1) Background

BHC was created by SB 1625 (Murray), Chapter 428, Statutes of 2000 to acquire and manage public lands in the heavily urbanized Los Angeles Basin (LA Basin). Surrounded by the densely populated cities of Los Angeles, Culver City, and Inglewood, the Baldwin Hills are the largest remaining areas of open space in the LA Basin. As defined by statute, the area under BHC's jurisdiction covers approximately two square miles (about 2,000 acres) and is located six miles from

2

downtown Los Angeles. The BHC boundaries include the 500-acre Kenneth Hahn State Recreational Area, managed by Los Angeles County. Other notable areas either developed for public use or under development include the Baldwin Hills Scenic Overlook, Vista Pacifica, the Stocker Trail Corridor, ball fields, and areas adjacent to Ballona Creek.

Since the early 1900s, petroleum extraction has been the dominant land use in the Baldwin Hills (the Inglewood oil field is still active). Roads, oil wells, processing units and other infrastructure still cover about 950 acres. However, a large portion of the land in the area remains undeveloped. In fact, the Baldwin Hills offers unique recreational and open space opportunities for Los Angeles area residents and supports many ecological functions. Though fragmented and often degraded, the Baldwin Hill's coastal sage scrub habitat constitutes the largest of its type in the LA Basin and is the last remaining scrub habitat within the Ballona Creek watershed. This habitat supports about 166 bird species, including the tricolored blackbird, a California States Species of Special Concern, 18 mammal species, including the gray fox and 3 potential Species of Special Concern, reptiles and amphibians, and other animal communities.

2) LAO: BHC is meeting objectives but could do more

In a March 2007 report to the Legislature, the LAO concludes that the BHC "has been operating consistently with its statutorily defined role...and while the [BHC] has made progress, more remains to be done to meet statutory objectives." Even though the BHC has not itself acquired any lands within the Baldwin Hills area, it has facilitated or funded six acquisitions (made by other public agencies) that have substantially augmented open space in the area. According to the LAO, these acquisitions cumulatively total 155 acres, representing a 33 percent increase in open space lands in the BHC.

BHC's underlying statute places great weight in meeting the "needs and desires of surrounding community" in carrying out its mandate. In its report, the LAO states that BHC's efforts in this regard "...have influenced acquisitions, planning, and development within the Baldwin Hills area and helped to ensure that the work of BHC and other public agencies has been in keeping with local needs and desires." According to the LAO, BHC's interagency coordination, local presence, ties to local communities and property owners all were critical factors in the acquisitions mentioned above. The LAO concludes that "[i]n keeping with statutory requirements, BHC has demonstrated responsiveness to local needs and desires."

However, at the same time, the LAO finds that BHC's statutory objectives have not been fully accomplished. In support of this finding, it cites 655 acres of "potentially acquirable" open space that "remain susceptible to development that may not be in keeping with the public purposes for these lands." Moreover, the majority of BHC's recent acquisitions are undeveloped, not open to public access or unrestored. While the LAO acknowledges that this is not entirely unexpected

given recent acquisition dates (November 2005 and January 2006), its report fails to provide any details about the 655 acres that are "potentially acquirable." Is BHC negotiating to acquire some of these parcels? Are the property owners willing sellers? The BHC reports that it is, in fact, in negotiations with three property owners and has initiated the planning process to develop the recent acquisitions.

3) Is a 5-year extension enough time?

The LAO recommends that BHC's sunset date should be extended by 5 years, two years shorter than the BHC's initial 7-year operating period, to January 1, 2013, preceded by another review of BHC performance. This recommendation is based, in part, to the alleged shortcomings mentioned above. The LAO states:

We believe this shorter operating period is appropriate, given that the conservancy has been through the "development" period to establish itself as a conservation resource in the Baldwin Hills area. We would expect the conservancy to capitalize on existing relationships with surrounding communities, area governments, and local property owners, so that public land acquisition and development would occur more quickly during the conservancy's second operating period than it did during the first (pg. 17).

This recommendation is consistent with a previous LAO recommendation that every state conservancy be "periodically reviewed to determine if its mission continues to be appropriate, of statewide interest, and a priority in terms of meeting the state's overall land conservation goals." Moreover, the LAO notes that conservancies with a defined geographic interest (e.g., BHC, Tahoe Conservancy, Sierra Nevada Conservancy) may frustrate the state's ability to direct limited resources to the highest statewide conservation priorities. These conservancies, the LAO continues, "may create the expectation for continued state funding, even after the state's goals for the conservancy have been met and state funding is no longer justified."

The author argues that if the BHC were to sunset under current law, there would be no entity to carry out BHC's statutory responsibilities in 2008 and beyond. Thus, given its successful record to date, the author states that BHC's sunset should be eliminated in order to allow it to continue meeting these objectives and planning for acquisition and development.

4) Is BHC's sunset unique among other state conservancies?

BHC is the smallest of all the state's nine conservancies with a land area of only two square miles under its jurisdiction. It was designed to function like most other conservancies with a mission to provide public recreation and wildlife habitat through the acquisition and management of land within its boundaries. However, it is only one of two state conservancies (the San Diego River Conservancy sunsets in 2010) with a sunset. In 2000, the Assembly Appropriations Committee amended

4

SB 1625, which created BHC, to include the January 2008 sunset.

The Governor's 2007-2008 Budget appropriates \$3.4 million to the BHC, including \$3 million from Proposition 84, and proposes to extend BHC's sunset to 2018.

PREVIOUS LEGISLATION: AB 856 (Bass), Chapter 223, Statutes of 2005, made minor changes to BHC's board and open meeting requirements. As introduced, it proposed to extend BHC's sunset to 2011.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees City of Los Angeles

Opposition

None on file

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**2007 CA A 3 : Bill Analysis - Assembly Appropriations Committee -
04/18/2007**



BILL ANALYSIS

Date of Hearing: April 18, 2007

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Mark Leno, Chair

AB 3 (Bass) - As Introduced: December 4, 2006

Policy Committee: Natural Resources

Vote: 7-0

Urgency: No

State Mandated Local Program: No

Reimbursable:

SUMMARY

This bill deletes the January 1, 2008 sunset date on the Baldwin Hills Conservancy (BHC), thereby extending the operation of the BHC indefinitely.

FISCAL EFFECT

Moderate ongoing costs, about \$450,000 annually starting in 2008-09, to support the BHC. (Environmental License Plate Fund (ELPF) and various bond proceeds.)

COMMENTS

1) Rationale. The author argues the sunset date for the BHC should be deleted to allow the conservancy to continue to plan for acquisition, development, and restoration of land within its jurisdiction. The conservancy believes that merely extending the 2008 sunset would eventually present a major impediment to acquiring open-space land in the Baldwin Hills.

2) Background. SB 1625 (Murray) - Chapter 428, Statutes of 2000 created the BHC. This committee, when it passed SB 1625 from its Suspense File, amended

6

the bill to include a January 1, 2008 sunset and required the Legislative Analyst Office (LAO), by December 1, 2006, to review the effectiveness of the BHC in acquiring and developing open space and recreational opportunities in the Baldwin Hills area. Since 2001-02, the conservancy's annual support budget has ranged from \$227,000 to \$440,000, with most of its funding coming from an ELPF allocation. Appropriations of \$22 million from Prop. 40 resources bond proceeds and \$23 million from Prop 50 resources bond proceeds have helped the BHC facilitate land acquisitions and improvements within its jurisdiction. The governor's 2007-08 budget proposes to spend \$3 million from Prop 84 resources bond proceeds for BHC projects.

3) Prior Legislation. AB 856 (Bass) of 2005 would have, among other things, extended the BHC sunset by three years to January 1, 2011. Because deleting a 2008 sunset with legislation that would take effect in 2006 was unnecessary and because the LAO report had not yet been conducted at that time, AB 856 was held on this committee's Suspense File.

4) The LAO Report, released last month, found that the BHC is operating in a manner consistent with its goals but that much progress needs to be made in its efforts to preserve open space in the Baldwin Hills. The report finds that, while the BHC has not yet acquired any property, the conservancy has been carrying out its responsibilities to facilitate the acquisition of open-space land by other public agencies. The BHC has also enabled recreational, educational and wildlife habitat projects and fostered communication with, and responded to, surrounding communities.

While the LAO report supports continued operation of the BHC, it also recommends a new five-year sunset date to be set at January 1, 2013, preceded by a review of the conservancy's performance.

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