



**Napa County Regional Park
and Open Space District**

Harold Kelly
Director Ward One

Tony Norris
Director Ward Two

Guy Kay
Director Ward Three

Dave Finigan
Director Ward Four

Myrna Abramowicz
Director Ward Five

AGENDA

BOARD OF DIRECTORS REGULAR MEETING

Monday April 11, 2011 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

GENERAL INFORMATION

Agenda items will generally be considered in the order indicated below, except for Set Matters, which will be considered at the time indicated. Agenda items may from time to time be taken out of order at the discretion of the President.

The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the District Secretary. Requests for disability related modifications or accommodations, aids, or services may be made to the Secretary's office no less than 48 hours prior to the meeting date by contacting (707) 259-8603.

Any member of the audience desiring to address the District on a matter on the Agenda, please proceed to the rostrum and, after receiving recognition from the President, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the President.

State law requires agency officers (Directors and Officers) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the Conservation, Development and Planning Department Office at 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

1. Call to Order and Roll Call

2. Public Comment

In this time period, anyone may address the Board of Directors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the President. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

3. Set Matters

3:00 PM Vine Trail Presentation by Chuck McMinn

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of March 14, 2011.
- B. Consideration of and potential action to take positions related to the following legislation:
 - i. AB 703 (Gordon) extending the welfare exemption from property taxes for conservation property owned by land conservation organizations.
 - ii. SB 644 (Hancock) and AB 587 (Gordon) extending the exemption of volunteers from prevailing wage requirements.
 - iii. SB 580 (Wolk and Kehoe) making it harder to condemn state park lands for non-park uses.
 - iv. AB 42 (Huffman) to facilitate state parks entering into management partnerships with non-profit organizations to keep state parks open.
- C. Consideration and potential approval of comments on the Napa Pipe project.
- D. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager.
- E. Review of the District Projects Status Report.

5. Announcements by Board and Staff

In this time period, members of the Board of Directors and staff will announce meetings, events and other matters of interest. No action will be taken by the Board on any announcements.

6. Agenda Planning

In this time period, members of the Board of Directors and staff will discuss matters for possible consideration at future meetings. No action will be taken by the Board other than whether and when to agendize such matters, unless specifically noted otherwise.

7. Adjournment to Special Meeting on Thursday, April 21, 2011, at 6:30 pm, to be held at the Pope Valley Farm Center



**Napa County Regional Park
and Open Space District**

Harold Kelly—Vice President
Director Ward One

Tony Norris
Director Ward Two

Guy Kay
Director Ward Three

Dave Finigan—President
Director Ward Four

Myrna Abramowicz
Director Ward Five

MINUTES

BOARD OF DIRECTORS REGULAR MEETING

Monday March 14, 2011 2:00 P.M.
1195 Third Street, Third Floor, Napa, CA 94559

1. Call to Order

Meeting called to order.

Directors Harold Kelly, Tony Norris, Guy Kay, and Myrna Abramowicz present.

Director Dave Finigan is excused.

2. Public Comment

None.

3. Set Matters

Continued to a date to be determined.

4. Administrative Items

A. Consideration of and potential approval of Minutes of Board of Directors meeting of February 14, 2011.

Minutes were approved as presented.

HK-GK-TN-MA

B. Receipt of 8 month budget report and consideration of recommended budget adjustments.

Directors voted to approve recommended adjustments to the budget.

TN-HK-GK-MA

C. Receipt of status report on Spanish Valley, Crystal Flats and Stone Corral planning activities, and direction to staff on process going forward.

John Woodbury gave the report.

D. Receipt of oral report from the Board's Master Plan Ad Hoc Subcommittee (Directors Norris and Finigan) on the proposed process for updating the Master Plan, and potential direction to the Subcommittee.

Director Norris gave the report. The update will be accomplished primarily by revising Section IX to describe changes in the past three years, rather than changing the text throughout the plan.

- E. Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager.
John Woodbury gave the report.
 - F. Review of the District Projects Status Report
John Woodbury gave the report with discussions on Oat Hill Mine Trail, Napa River Bay Trail, Berryessa Vista, Blue Ridge Berryessa Peak Trail, Camp Berryessa, Lake Hennessey, Moore Creek, Vine Trail.
5. Announcements by Board and Staff
▶ Director Norris attended the California Parks and Recreation Society Conference
6. Agenda Planning
7. Adjournment
Meeting was adjourned in memory of Tyler York..

MYRNA ABROMOWICZ, Board President

ATTEST:

SARAH MINAHEN, Assistant District Secretary

Key

Vote: HK = Harold Kelly; TN = Tony Norris; GK = Guy Kay; DF = David Finigan; MA = Myrna Abramowicz

The maker of the motion and second are reflected respectively in the order of the recorded vote.

Notations under vote: N = No; A = Abstain; X = Excused



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: April 11, 2011
 Agenda Item: 4. B
 Subject: Consideration and potential action to take positions on AB 703, SB 644, AB 587, SB 580 and AB 42.

Recommendation

The following legislative positions are recommended:

- AB 703 (Gordon): Support
- SB 644 (Hancock): Support
- SB 580 (Wolk and Kehoe): Support, and seek amendment to make the exemption permanent.
- AB 42 (Huffman): Support, and monitor for further changes.

Background

- A. Consideration of and potential action to take positions on the following legislation:
- i. AB 703 (Gordon) extending the welfare exemption from property taxes for conservation property owned by land conservation organizations.
 - ii. SB 644 (Hancock) and AB 587 (Gordon) extending the exemption of volunteers from prevailing wage requirements.
 - iii. SB 580 (Wolk and Kehoe) making it harder to condemn state park lands for non-park uses.
 - iv. AB 42 (Huffman) to facilitate state parks entering into management partnerships with non-profit organizations to keep state parks open.

AB 703 (Gordon): Since 1971, open space lands owned by non-profit land conservation organizations have been exempt from paying property taxes. This exemption when adopted was set to expire in 1982. It has been continuously extended, first until 1992, then 2002, and now 2012. According to Napa County Assessor John Tuteur, 6,684 acres of open space in Napa County are owned by the Land Trust of Napa County. The property tax exemption on this land is approximately \$300,000, and the lost tax revenues to the County equals 17% of this amount. Mr. Tuteur points out that the land trust is providing a significant service to the community by preserving and stewarding the resources on their lands, and that the exemption is critical to their being able to continue managing these lands. AB 703 makes the exemption permanent, with no sunset date. **RECOMMENDATION:** Support.

SB 644 (Hancock) and AB 587 (Gordon) and AB 987 (Grove) : Existing law defines “public works,” for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Pursuant to existing law, all workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem, except as specified. Existing law governing public works does not apply to specified work performed by a volunteer, a volunteer

coordinator, or members of the California Conservation Corps or a community conservation corps. Those provisions are effective only until January 1, 2012, and as of that date are repealed.

SB 644 would extend this provision to January 1, 2017. It has already passed the Senate, with no recorded opposition. AB 587 is virtually the identical bill, but it has not yet been heard by the Assembly policy committee, and is likely to be dropped in favor of SB 644. AB 987 permanently extends the volunteer exemption. However, it also makes extensive and very significant changes to State prevailing wage law which are unlikely to be approved in the current legislative climate.

RECOMMENDATION: Support SB 644, and seek amendment to make the extension permanent.

SB 580 (Wolk and Kehoe): This bill would make it harder for State Park property being condemned, sold or otherwise disposed of for non-park purposes. Variations on this bill have been considered by the legislature numerous times over the past two decades, but none have passed and been signed by the Governor. SB 580 passed its Senate policy committee on a party-line vote. RECOMMEND: Support.

AB 42 (Huffman): This bill as initially written would have encouraged State Parks to partner with non-profit organizations in order to avoid closure of parks due to budget shortfalls. The bill was essentially gutted and amended in its first committee so that it now only states the intent of the legislature is to fully fund State Parks. Depending on how the legislative session proceeds, it would not be surprising to see the initial bill language reemerging toward the end of the session. If this happens, the District may want to expand the language to include local public agencies as well as non-profit organizations. State Parks owns and operates two very fine parks in Napa County, and it is important that they not be closed due to state budget cuts. Adequately funding State Parks should therefore be the first priority for the District; however, if this is not possible, and the bill is revised to address State-local partnerships designed to keep parks open, the District needs to assure that the bill language encourages both local agency as well as land trust partnerships. The bill as introduced, its analysis, and the amended version of the bill are attached. RECOMMENDATION: Support, and monitor for changes.

ASSEMBLY BILL**No. 703****Introduced by Assembly Member Gordon**

February 17, 2011

An act to amend Section 214.02 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as introduced, Gordon. Property taxation: welfare exemption: nature resources and open-space lands.

Existing property tax law, in accordance with the California Constitution, provides for a welfare exemption under which property used exclusively for religious, hospital, scientific, or charitable purposes and owned and operated by funds, foundations, or corporations meeting certain statutory requirements is exempt from taxation. Existing law also provides that property used exclusively for the preservation of specified nature resources or open-space lands meeting other specified criteria shall be deemed to be included within the welfare exemption. Existing law makes the inclusion of this property within the welfare exemption inoperative on the lien date in 2012, which is January 1, 2012, and repeals this provision on January 1, 2013.

This bill would eliminate the January 1, 2012, inoperative date, and the January 1, 2013, repeal date, thereby extending the inclusion of this property within the welfare exemption indefinitely.

Section 2229 of the Revenue and Taxation Code requires the Legislature to reimburse local agencies annually for certain property tax revenues lost as a result of any exemption or classification of property for purposes of ad valorem property taxation.

This bill would provide that, notwithstanding Section 2229 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for property tax revenues lost by them pursuant to the bill.

This bill would take effect immediately as a tax levy.

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 214.02 of the Revenue and Taxation
2 Code is amended to read:

3 214.02. (a) Except as provided in subdivision (b) or (c),
4 property that is used exclusively for the preservation of native
5 plants or animals, biotic communities, geological or geographical
6 formations of scientific or educational interest, or open-space lands
7 used solely for recreation and for the enjoyment of scenic beauty,
8 is open to the general public subject to reasonable restrictions
9 concerning the needs of the land, and is owned and operated by a
10 scientific or charitable fund, foundation, limited liability company,
11 or corporation, the primary interest of which is to preserve those
12 natural areas, and that meets all the requirements of Section 214,
13 shall be deemed to be within the exemption provided for in
14 subdivision (b) of Sections 4 and 5 of Article XIII of the
15 Constitution of the State of California and Section 214.

16 (b) The exemption provided by this section shall not apply to
17 any property of an organization that owns in the aggregate 30,000
18 acres or more in one county that were exempt under this section
19 prior to March 1, 1983, or that are proposed to be exempt, unless
20 the nonprofit organization that holds the property is fully
21 independent of the owner of any taxable real property that is
22 adjacent to the property otherwise qualifying for tax exemption
23 under this section. For purposes of this section, the nonprofit
24 organization that holds the property shall be considered fully
25 independent if the exempt property is not used or operated by that
26 organization or by any other person so as to benefit any officer,
27 trustee, director, shareholder, member, employee, contributor or
28 bondholder of the exempt organization or operator, or the owner
29 of any adjacent property, or any other person, through the
30 distribution of profits, payment of excessive charges or

1 compensations, or the more advantageous pursuit of their business
2 or profession.

3 (c) The exemption provided by this section shall not apply to
4 property that is reserved for future development.

5 ~~(d) This section shall be operative from the lien date in 1983 to~~
6 ~~and including the lien date in 2012, after which date this section~~
7 ~~shall become inoperative, and as of January 1, 2013, this section~~
8 ~~is repealed.~~

9 (e)

10 (d) The amendments made by the act adding this subdivision
11 shall apply with respect to lien dates occurring on and after January
12 1, 2005.

13 SEC. 2. Notwithstanding Section 2229 of the Revenue and
14 Taxation Code, no appropriation is made by this act and the state
15 shall not reimburse any local agency for any property tax revenues
16 lost by it pursuant to this act.

17 SEC. 3. This act provides for a tax levy within the meaning of
18 Article IV of the Constitution and shall go into immediate effect.

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BILL ANALYSIS

AB 703
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Date of Hearing: April 4, 2011

ASSEMBLY COMMITTEE ON REVENUE AND TAXATION
Henry T. Perea, Chair

AB 703 (Gordon) - As Introduced: February 17, 2011

Majority vote. Tax levy. Fiscal committee.

SUBJECT : Property taxation: welfare exemption: nature resources and open-space lands.

SUMMARY : Repeals the sunset date of the property tax welfare exemption that applies to certain specified nature resources and open-space lands. Specifically, this bill :

- 1) Repeals the January 1, 2012 inoperative date and the January 1, 2013 repeal date of the property tax welfare exemption for property that is used exclusively for the preservation of specified nature resources and open-space lands, thereby extending it indefinitely.
- 2) States that no appropriation is made by this bill and that the State will not reimburse any local agency for any property tax revenues lost by it pursuant to this bill's provisions.
- 3) Takes effect immediately as a tax levy.

EXISTING STATE LAW :

- 1) Provides that all property is taxable unless explicitly exempted by the California Constitution or federal law and limits the maximum amount of any ad valorem tax on real property at 1% of full cash value.
- 2) Provides an exemption from taxation for property that is irrevocably dedicated to religious, hospital, scientific, or charitable purposes, if the property is used for the actual operation of the exempt activity and is owned by a nonprofit entity qualified as an exempt organization by the Internal Revenue Service, the Franchise Tax Board, or both (the so-called 'welfare exemption') (Article XIII, Section 4, of the California Constitution; Revenue and Taxation Code (RT&C) Section 214). The entity that owns the property is prohibited from having any earnings that contribute to the benefit of any

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private shareholder or individual. This welfare exemption has been expanded over the years to add certain specific types of property that do not otherwise qualify under the general exemption.

- 3) Extends the application of the welfare exemption to property that meets all of the applicable general requirements, as provided above, and satisfies all of the following additional conditions:
 - a) Is used exclusively for the preservation of native plants or animals, biotic communities, geological or geographical formations of scientific or educational interest, or open-space lands used solely for recreation and for the enjoyment of scenic beauty;
 - b) Open to the general public subject to reasonable restrictions concerning the needs of the land; and
 - c) Is owned and operated by a scientific or charitable fund, foundation, limited liability company, or corporation, the primary interest of which is to preserve those natural areas.
- 4) Provides that the exemption does not apply:
 - a) To property reserved for future development.
 - b) To a non-profit organization that owns more than 30,000 acres in a single county if it is not fully independent, as specified, from the owner of adjacent taxable lands.

EXISTING FEDERAL LAW defines an organization as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(3) if the organization is organized and operated exclusively for exempt purposes set forth in IRC Section 501(c)(3). The organization must not be organized or operated for the benefit of private

interests, and no part of an IRC Section 501(c)(3) organization's net earnings may inure to the benefit of any private shareholder or individual. In addition, it may not be an action organization, i.e., it may not attempt to influence legislation as a substantial part of its activities and it may not participate in any campaign activity for or against political candidates. Organizations described in IRC Section 501(c)(3) are commonly referred to as charitable organizations.

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Organizations described in IRC Section 501(c)(3), generally, are eligible to receive tax-deductible contributions in accordance with IRC Section 170.

FISCAL EFFECT : The State Board of Equalization's (BOE) staff estimates that hundreds of properties throughout the state are currently exempt from property tax pursuant to R&TC Section 214.02. It is tentatively estimated that this bill will result in the annual property tax loss of \$10 million or less.

COMMENTS :

1)Author's Statement . The author states that, "As is true in my district, open-spaces and parklands are vitally important to the quality of life in communities across California. Each of us benefits from these preserved green spaces, whether they are for the protection of wildlife, for the outdoor education of our urban youth, or for recreation by all who enjoy California's open spaces.

"Many of these green spaces are owned and operated by charitable organizations for the public benefits they provide. Existing property tax law has acknowledged the value of this charitable service since 1971, affording these lands with an exemption from property taxes. This exemption has allowed non-profit organizations to focus their limited funds on the long-term stewardship of these important lands, and in many cases on providing the public with educational programs not offered anywhere else. Without extending the current 2012 sunset provision associated with the exemption, these charitable services will be threatened. AB 703 would eliminate this sunset. By doing so, AB 703 would provide the same long-term property tax assurances to these important green spaces that are currently afforded to non-profit schools, hospitals, and churches.

"AB 703 is vitally important not only to the dozens of charitable conservation organizations that are dedicated to protecting our open-spaces. It is vitally important to the quality of life in each of our local communities."

2)Arguments in Support . The proponents of this bill argue that AB 703 is essential for non-profit organizations to be able to hold and manage lands for recreation, open space and habitat purposes. It would "provide the same long-term property tax

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assurances to important open-space lands that are currently afforded to schools, hospitals, and churches operated by non-profit organizations." They state that wildlife sanctuaries, nature preserves, and other open-space lands provide "high quality outdoor experiences for California families and children at no cost to the state or local jurisdictions." Finally, they contend that, without the benefits of AB 703, many of those programs that service local communities will be reduced, further expansion of land-based conservation investment will be deferred, and "nonprofits will be forced to consider alternative ownership, including possible abandonment and ? reversion to state ownership."

3)History of the Welfare Exemption for Nature Resources and Open-Space Lands . In 1970, this Committee held an interim hearing and conducted several studies regarding alternative tax policies intended to encourage natural lands preservation in the state. The staff report submitted to the Committee indicated that local governments were reluctant to preserve open space areas, recreational areas, and ecologically valuable areas because they heavily rely on property tax revenues. [The Fiscal Implications of Environmental Control: an Appendix to Final Report of the Assembly Committee on Revenue and Taxation, Interim Activities (1970), pp. 90-92]. Moreover, the assessment practices used by local county

assessors to value open space areas lacked uniformity and varied widely among counties.

Subsequently, in 1971, R&TC Section 214.02 was enacted to extend the application of the welfare property tax exemption to land in its natural state. The application of the exemption was limited to property acquired by nonprofit organizations that is used exclusively for the preservation of native plants and animals or of geographical formations of scientific or educational interest or open space lands used solely for recreation and for the enjoyment of scenic beauty. According to the staff at the BOE, "[t]he intent of the original legislation enacting R&TC Section 214.01 was to assist nonprofit organizations that purchased open-space and similar lands, held the lands temporarily, and then sold or donated the lands to public agencies for permanent use as park facilities. A sunset date was included in the original legislation as a result of a Senate Revenue and Taxation Committee hearing to ensure that the charitable organizations sold or donated the lands rather than hold them indefinitely.

AB 703

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Since that time, it appears that many charitable organizations may be the permanent owners of lands due, in part, to the limited ability of public agencies to acquire additional parklands." When the original exemption expired after the lien date in 1982, it has continuously been extended, first, until 1992, then, to 2002, and, most recently, to January 1, 2012.

4)The Repeal of the Sunset Date . Under existing law, the open-space property tax exemption referenced above is scheduled to be repealed on January 1, 2013. The exemption is currently claimed for hundreds of properties located in California. Examples of exempted properties include those held by the Nature Conservancy, Monterey Bay Aquarium Foundation, Yosemite Foundation, Richardson Bay Audubon Center & Sanctuary, Peninsula Open Space, East Bay Zoological Foundation, Sacramento Garden and Arts Center, Save the Redwoods League, Sierra Club foundation, and many others. If the exemption is not renewed, those properties will be subject to tax. Potentially, without the tax exemption, some non-profit groups would not be able to afford to keep the land and continue the conservation projects. The author believes that the loss of the welfare exemption for open-space lands will be highly disruptive to state and local conservation efforts and will potentially result in degradation of our natural resources. Currently, the non-profit organizations that hold exempt open-space land pay maintenance costs on the land. While some of the property currently owned by nonprofit organizations may be transferred to the State, if the State were willing to accept ownership and maintenance, it will place an additional burden on the State's General Fund.

The exemption that is the subject of this bill has been continuously available since 1972. However, this bill is not consistent with past measures since all of those measures simply extended the sunset date of the open-space property tax welfare exemption. AB 703, on the other hand, seeks to completely eliminate the sunset date, thereby making the welfare property tax exemption for nature resources and open-space lands permanent. The permanent extension would undoubtedly benefit nonprofit organizations, since it will provide certainty in their financial planning for property tax. However, as discussed earlier, the original legislation for the exemption was enacted as the result of this Committee's studies, which were done more than 40 years ago.

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The Committee may wish to consider conducting another study on tax policies intended to encourage natural lands preservation in California and the effectiveness of this exemption. The Committee may also wish to amend this bill to temporarily extend the sunset date, instead of completely eliminating it, until the study is completed.

5)Related Legislation.

SB 198 (Chesbro), Chapter 533, Statutes of 2001, extended the property tax exemption for nature resources and open-space lands from January 1, 2002 to January 1, 2012.

REGISTERED SUPPORT / OPPOSITION :Support

Audubon California
Big Sur Land Trust
Diana Donovan, Board Member, Richardson Bay Audubon Center &
Sanctuary
of Marin County
Land Trust of Santa Cruz County
Los Angeles Neighborhood Land Trust
Marin Agricultural Land Trust
Peninsula Open Space Trust
Planning and Conservation League
Pomona Valley Audubon Society, Claremont, California
Sally Van Ingen, Member, Richardson Bay Audubon Center &
Sanctuary of Marin County
San Joaquin River Parkway and Conservation Trust, Inc.
The Friends of the Desert Mountains
The Nature Conservancy
The Trust for Public Land
The Wildlands Conservancy
Tulare Basin Wildlife Partners

Opposition

None on file

Analysis Prepared by : Oksana Jaffe / REV. & TAX. / (916)
319-2098

Introduced by Senator Hancock

February 18, 2011

An act to amend and repeal Section 1720.4 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 644, as introduced, Hancock. Public works: volunteers.

Existing law defines "public works," for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Pursuant to existing law, all workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem, except as specified.

Existing law governing public works does not apply to specified work performed by a volunteer, a volunteer coordinator, or members of the California Conservation Corps or a community conservation corps. Those provisions are effective only until January 1, 2012, and as of that date are repealed.

This bill would extend the repeal of this provision to January 1, 2017.

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

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

- 1 SECTION 1. Section 1720.4 of the Labor Code is amended to
- 2 read:
- 3 1720.4. (a) This chapter shall not apply to any of the following
- 4 work:

1 (1) Any work performed by a volunteer. For purposes of this
2 section, “volunteer” means an individual who performs work for
3 civic, charitable, or humanitarian reasons for a public agency or
4 corporation qualified under Section 501(c)(3) of the Internal
5 Revenue Code as a tax-exempt organization, without promise,
6 expectation, or receipt of any compensation for work performed.

7 (A) An individual shall be considered a volunteer only when
8 his or her services are offered freely and without pressure and
9 coercion, direct or implied, from an employer.

10 (B) An individual may receive reasonable meals, lodging,
11 transportation, and incidental expenses or nominal nonmonetary
12 awards without losing volunteer status if, in the entire context of
13 the situation, those benefits and payments are not a substitute form
14 of compensation for work performed.

15 (C) An individual shall not be considered a volunteer if the
16 person is otherwise employed for compensation at any time (i) in
17 the construction, alteration, demolition, installation, repair, or
18 maintenance work on the same project, or (ii) by a contractor, other
19 than a corporation qualified under Section 501(c)(3) of the Internal
20 Revenue Code as a tax-exempt organization, that is receiving
21 payment to perform construction, alteration, demolition,
22 installation, repair, or maintenance work on the same project.

23 (2) Any work performed by a volunteer coordinator. For
24 purposes of this section, “volunteer coordinator” means an
25 individual paid by a corporation qualified under Section 501(c)(3)
26 of the Internal Revenue Code as a tax-exempt organization, to
27 oversee or supervise volunteers. An individual may be considered
28 a volunteer coordinator even if the individual performs some
29 nonsupervisory work on a project alongside the volunteers, so long
30 as the individual’s primary responsibility on the project is to
31 oversee or supervise the volunteers rather than to perform
32 nonsupervisory work.

33 (3) Any work performed by members of the California
34 Conservation Corps or of Community Conservation Corps certified
35 by the California Conservation Corps pursuant to Section 14507.5
36 of the Public Resources Code.

37 (b) This section shall apply retroactively to otherwise covered
38 work concluded on or after January 1, 2002, to the extent permitted
39 by law.

1 ~~(e) On or before January 1, 2011, the director shall submit a~~
2 ~~written report to the Legislature that does both of the following:~~
3 ~~(1) Describes the number and the nature of complaints received~~
4 ~~and investigations conducted involving the use of volunteers on~~
5 ~~public works projects subject to this chapter, that are projects as~~
6 ~~described in Section 21190 of the Public Resources Code.~~
7 ~~(2) Provides an estimate of each of the following as they relate~~
8 ~~to public works projects that involve the acquisition, presentation,~~
9 ~~or restoration of natural areas, including parks or ecological~~
10 ~~reserves, or other public works projects that have one or more of~~
11 ~~the purposes, as described in Section 21190 of the Public Resources~~
12 ~~Code:~~
13 ~~(A) The number of hours per year that volunteers work on public~~
14 ~~works projects.~~
15 ~~(B) The cost per year of public works projects, that are projects~~
16 ~~as described in Section 21190 of the Public Resources Code, and~~
17 ~~the percentage of work performed by volunteers.~~
18 ~~(C) The types of work done by volunteers on public works~~
19 ~~projects, that are projects as described in Section 21190 of the~~
20 ~~Public Resources Code.~~
21 ~~(d) The sum of one hundred thousand dollars (\$100,000) is~~
22 ~~hereby appropriated from the Environmental License Plate Fund~~
23 ~~for the purposes of funding the report required pursuant to~~
24 ~~subdivision (e).~~
25 ~~(e)~~
26 ~~(c) This section shall remain in effect only until January 1, 2012,~~
27 ~~2017, and as of that date is repealed, unless a later enacted statute,~~
28 ~~which is enacted before January 1, 2012, deletes or extends that~~
29 ~~date.~~

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BILL ANALYSIS

SENATE RULES COMMITTEE	SB 644
Office of Senate Floor Analyses	
1020 N Street, Suite 524	
(916) 651-1520	Fax: (916)
327-4478	

THIRD READING

Bill No: SB 644
 Author: Hancock (D)
 Amended: As introduced
 Vote: 21

SENATE LABOR & INDUST. RELATIONS COMMITTEE : 4-0, 3/23/11
 AYES: Lieu, Wyland, Padilla, Yee
 NO VOTE RECORDED: DeSaulnier, Leno, Runner

SUBJECT : Public works: volunteers

SOURCE : Author

DIGEST : This bill extends the sunset on the exemption for volunteers on public works project out five years, from January 1, 2012 to January 1, 2017.

ANALYSIS : Existing law defines "public works" as any construction, alteration, demolition, installation or repair work done under contract and paid for in whole or in part from public funds. This includes work performed during the design and pre-construction phase, including, but not limited to, inspection and land surveying.

Existing law requires, with certain exceptions, contracted public works projects to be submitted for bids by the public entity requesting the work, and that the contract is awarded to the lowest responsible bidder. The awarding body is required to ensure that the winning contractor is appropriately licensed with the Contractors State License

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Board, and has not been in barred from bidding on, accepting, or performing public contracts.

Existing law requires all employees who work on public works projects with a budget of \$1,000 or more to be paid the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work for the specific location where the public work is to be performed. This prevailing wage is determined by the Department of Industrial Relations.

Existing law exempts from public work requirements any project where the Department of Fish and Game (DFG) contracts with public agencies, Indian tribes, or nonprofit organizations for fish and wildlife habitat preservation, restoration, and enhancement. Existing law also allows the DFG to contract with public and private entities for fish and wildlife habitat preservation, restoration, and enhancement, but these contracts are only exempt from public work requirements if they are less than \$50,000.

Existing law exempts any work performed by volunteers from the public works requirements, but the exemption allowing volunteers on public works projects is set to expire on January 1, 2012.

Under existing law, "volunteers" are defined as:

Individuals who perform works for civic, charitable, or humanitarian reasons for a public agency or tax-exempt organization, such as a 501(c)(3), without any compensation.
 Volunteer coordinators.

Members of the California Conservation Corps or the Community Conservation Corps are also exempt.

Existing law excludes from the definition of a volunteer:

Anyone who works on the public works project for compensation; or
 Anyone who received payment from the contractor on the public works project for construction, alteration, demolition, installation, repair, or maintenance work on

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the same project.

This bill extends the sunset on the exemption for volunteers on public works project out five years, from January 1, 2012 to January 1, 2017.

Prior/Related Legislation

AB 587 (Gordon), which is currently before the Assembly Labor and Employment Committee, is nearly identical to this bill.

AB 987 (Grove), which is currently before the Assembly Labor and Employment Committee, makes significant changes to public works requirements, including the removal of the sunset on the volunteer exemption.

AB 2690 (Hancock), Chapter 330, Statutes of 2004, created the initial public work exemption for volunteers, and a sunset date of January 1, 2009.

AB 2537 (Furutani), Statutes of 2008, Chapter 678, extended the sunset until January 1, 2012.

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

SUPPORT : (Verified 3/23/11)

Association of California Water Agencies
 California Association of School Business Officials
 California Park and Recreation Society
 California Watershed Network
 Newport Bay Conservancy
 Regional Council of Rural Counties
 Sacramento County Board of Supervisors

ARGUMENTS IN SUPPORT : Proponents argue that during these difficult fiscal times, local government needs to be able to call upon volunteers to complete important projects and maintain local park infrastructure. Proponents also note that hundreds of restoration projects are taken up by local governments in partnership with non-profits and local

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business, and that project managers work hard to ensure that there is a clear delineation between tasks for volunteers and tasks for paid employees and contractors. Proponents also note that there have been no reported labor law violations on environmental and restoration projects since the public works exemption was put in law in 2004.

PQ:mw 3/24/11 Senate Floor Analyses

SUPPORT/OPPOSITION: SEE ABOVE

**** END ****

BILL NUMBER: AB 587 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Members Gordon and Furutani

FEBRUARY 16, 2011

An act to amend Section 1720.4 of the Labor Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 587, as introduced, Gordon. Public works: volunteers.

Existing law defines "public works," for purposes of regulating public works contracts, as, among other things, construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Pursuant to existing law, all workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work, except as specified.

Existing law governing public works does not apply to specified work performed by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps or a community conservation corps. These provisions are effective only until January 1, 2012, and as of that date are repealed.

This bill would extend that repeal date to January 1, 2017, and make technical, nonsubstantive changes to that provision.

Existing law also requires the Director of Industrial Relations to submit a report to the Legislature before January 1, 2011, regarding volunteers on public projects.

This bill would repeal that provision.

This bill also would make legislative findings and declarations regarding the intent of the bill.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature that public works projects should never undermine the wage base in a community.

(b) The requirement that workers on public works projects be paid the prevailing rate of per diem wages ensures that the local wage base is not lowered.

(c) It is the intent of the Legislature that this act shall not apply to the work of state and local public sector employees.

SEC. 2. Section 1720.4 of the Labor Code is amended to read:

1720.4. (a) This chapter shall not apply to any of the following work:

(1) Any work performed by a volunteer. For purposes of this section, "volunteer" means an individual who performs work for civic, charitable, or humanitarian reasons for a public agency or corporation qualified under Section 501(c)(3) of the Internal Revenue

Code as a tax-exempt organization, without promise, expectation, or receipt of any compensation for work performed.

(A) An individual shall be considered a volunteer only when his or her services are offered freely and without pressure and coercion, direct or implied, from an employer.

(B) An individual may receive reasonable meals, lodging, transportation, and incidental expenses or nominal nonmonetary awards without losing volunteer status if, in the entire context of the situation, those benefits and payments are not a substitute form of compensation for work performed.

(C) An individual shall not be considered a volunteer if the person is otherwise employed for compensation at any time (i) in the construction, alteration, demolition, installation, repair, or maintenance work on the same project, or (ii) by a contractor, other than a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, that is receiving payment to perform construction, alteration, demolition, installation, repair, or maintenance work on the same project.

(2) Any work performed by a volunteer coordinator. For purposes of this section, "volunteer coordinator" means an individual paid by a corporation qualified under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, to oversee or supervise volunteers. An individual may be considered a volunteer coordinator even if the individual performs some nonsupervisory work on a project alongside the volunteers, so long as the individual's primary responsibility on the project is to oversee or supervise the volunteers rather than to perform nonsupervisory work.

(3) Any work performed by ~~members of~~ the California Conservation Corps or ~~of~~ by Community Conservation Corps certified by the California Conservation Corps pursuant to Section 14507.5 of the Public Resources Code.

(b) This section shall apply retroactively to otherwise covered work concluded on or after January 1, 2002, to the extent permitted by law.

~~(c) On or before January 1, 2011, the director shall submit a written report to the Legislature that does both of the following:~~

~~(1) Describes the number and the nature of complaints received and investigations conducted involving the use of volunteers on public works projects subject to this chapter, that are projects as described in Section 21190 of the Public Resources Code.~~

~~(2) Provides an estimate of each of the following as they relate to public works projects that involve the acquisition, presentation, or restoration of natural areas, including parks or ecological reserves, or other public works projects that have one or more of the purposes, as described in Section 21190 of the Public Resources Code:~~

~~(A) The number of hours per year that volunteers work on public works projects.~~

~~(B) The cost per year of public works projects, that are projects as described in Section 21190 of the Public Resources Code, and the percentage of work performed by volunteers.~~

~~(C) The types of work done by volunteers on public works projects, that are projects as described in Section 21190 of the Public Resources Code.~~

~~(d) The sum of one hundred thousand dollars (\$100,000) is hereby appropriated from the Environmental License Plate Fund for the purposes of funding the report required pursuant to subdivision (c).~~

——(e)

(c) This section shall remain in effect only until January 1, ~~2012~~ 2017 , and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, ~~2012~~ 2017 , deletes or extends that date.

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 580

Introduced by Senators Wolk and Kehoe

(Coauthors: Senators Evans and Pavley)

~~(Coauthor~~ *Coauthors: Assembly Member Members Chesbro and
Huffman)*

February 17, 2011

An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 580, as amended, Wolk. State parks: acquired land: limits on disposition or use.

~~The~~

Existing law authorizes the Department of Parks and Recreation, with the consent of the Department of Finance, is authorized to acquire title to or any interest in real property that the department deems necessary or proper for the extension, improvement, or development of the state park system. ~~The Existing law also authorizes the department is also authorized~~ to accept monetary and real property gifts to be used in any connection with the state park system.

This bill would prohibit land acquired for the state park system, through public funds or gifts, from being disposed of or used for other purposes incompatible with park purposes without the substitution of other land. This bill would require the State Park and Recreation Commission, following a duly noticed public hearing, to certify that all requests to dispose of or use the land for other purposes incompatible with park purposes provide for the substitution of other land meeting certain criteria. If lands that fully meet the substitution eligibility criteria

cannot be acquired, the commission would be authorized, if certain conditions are met, to approve a combination of substitute park lands and monetary compensation to allow for the disposal or use of lands for other purposes incompatible with park purposes. The bill would require that the commission consider requests only if the commission determines that all practical alternatives that avoid the proposed disposal or use of park lands for other purposes incompatible with park purposes have been considered.

This bill would provide that its provisions shall not apply to existing uses of state park lands that have been authorized on or before January 1, 2012, by written agreement with the Department of Parks and Recreation or by the general plan for a state park unit.

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 5013.2 is added to the Public Resources
- 2 Code, to read:
- 3 5013.2. (a) Land acquired for the state park system with public
- 4 funds or through receipt of gifts or bequests from individuals or
- 5 private entities with the express purpose of expanding or
- 6 maintaining the state park system shall not be disposed of or used
- 7 for other purposes incompatible with park purposes without the
- 8 substitution of other land pursuant to subdivision (b).
- 9 (b) Following a duly noticed public hearing, the State Park and
- 10 Recreation Commission shall certify that ~~all requests~~ *any request*
- 11 to dispose of or use for other purposes incompatible with park
- 12 purposes land described in subdivision (a) shall provide for the
- 13 substitution of other land that meets all of the following criteria:
- 14 (1) Has equal ~~environmental value~~ *environmental, natural,*
- 15 *cultural, or historical value*, or other value for which the park was
- 16 established.
- 17 (2) Has the same or greater fair market value, as established by
- 18 an ~~approved appraisal~~ *appraisal conducted by a qualified member*
- 19 *of the Appraisal Institute who is licensed pursuant to Part 3*
- 20 *(commencing with Section 11300) of Division 4 of the Business*
- 21 *and Professions Code.*

1 (3) Is located in an area that would allow for use of the substitute
2 park land by generally the same persons who used the acquired
3 land.

4 (4) Provides reasonably equivalent public access and recreational
5 value, ~~or has reasonably equivalent natural, cultural, or historic~~
6 ~~significance.~~ *value.*

7 (c) In the event that substitute lands cannot be acquired to fully
8 meet the requirements of subdivision (b), the commission may
9 approve a combination of substitute park lands and monetary
10 compensation to allow for the disposal or use of lands pursuant to
11 subdivision (a) if all of the following criteria are met:

12 (1) To the greatest extent possible, all substitute lands meet the
13 requirements of subdivision (b).

14 (2) Any monetary compensation is equal to or greater than the
15 fair market value of the lands under subdivision (a) that are not
16 otherwise substituted for under paragraph (1), as established by
17 ~~an approved appraisal~~ *appraisal conducted by a qualified member*
18 *of the Appraisal Institute who is licensed pursuant to Part 3*
19 *(commencing with Section 11300) of Division 4 of the Business*
20 *and Professions Code.*

21 (3) Any monetary compensation is sufficient to enable the
22 department to acquire, in fee simple, other park lands of equal
23 acreage to the lands not otherwise substituted for under paragraph
24 (1), plus the costs of developing those park lands, including park
25 facilities and other improvements to the land as may be deemed
26 necessary by the commission. The department shall give preference
27 to the acquisition of substitute park lands that are located generally
28 within the geographic region affected by the loss of park lands
29 under this section.

30 (d) The commission shall consider requests for purposes of
31 subdivision (b) only if the commission determines that all practical
32 alternatives that avoid the proposed disposal or use of park lands
33 for other purposes incompatible with park purposes have been
34 considered. In making the determination, the commission shall
35 consider information provided by other governmental entities with
36 regulatory or permitting authority over the proposed nonpark use
37 and other interested parties.

38 (e) This section shall not apply to existing uses of state park
39 lands that have been authorized on or before January 1, 2012, by
40 written agreement with the department pursuant to an existing

1 permit, a legally recorded deed, a memorandum of understanding,
2 or other written agreement with the department, or by the general
3 plan for a state park unit. This subdivision does not expand or
4 facilitate the use of state park lands beyond the current use allowed
5 on or before January 1, 2012, by written agreement with the
6 department.

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BILL ANALYSIS

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER
 Senator Fran Pavley, Chair
 2011-2012 Regular Session

BILL NO: SB 580 HEARING DATE: March 22, 2011
 AUTHOR: Wolk URGENCY: No
 VERSION: As Introduced CONSULTANT: Marie Liu
 DUAL REFERRAL: No FISCAL: Yes
 SUBJECT: State Parks: acquired land: limits on disposition or use.

BACKGROUND AND EXISTING LAW

The Public Park Preservation Act, commencing with Section 5400 of the Public Resources Code (PRC) prohibits a public entity from acquiring any park for non-park purposes unless there is sufficient compensation or replacement parkland given in exchange. Compensation must be based on the cost of acquiring and developing substitute park land of comparable size and characteristics. Replacement parkland must also be of comparable characteristics and size and the location must also allow for use by the same persons who frequented the original park.

Existing law also establishes the State Park and Recreation Commission (Commission), consisting of nine members appointed by the Governor, subject to Senate confirmation. Under PRC §539, the Commission is responsible for establishing general policies to guide the Department of Parks and Recreation (DPR) in the administration, protection, and development of the state park system. More specifically, the Commission is responsible for approving the classification of and general plans for individual state park units.

PROPOSED LAW

This bill would prohibit state park lands from being disposed of or used for other purposes incompatible with park purposes unless suitable substitute land, as determined by the Commission, is received in exchange. Specifically, this bill would:

Require the Commission to certify that the substitute park land meets all of the following:

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- o Has equal values, including environmental as the original park;
 - o Has the same or greater fair market value, as established in an approved appraisal;
 - o Is located in an area that would allow for use by generally the same persons as the original park; and
 - o Provides reasonably equivalent public access and recreational, natural, historic, and cultural value.
- Allow the Commission to approve a combination of substitute park lands and monetary compensation if:
- o Appropriate substitute lands are provided to the greatest extent possible; and
 - o The monetary compensation is equal or greater to the value of the land not otherwise substituted and that compensation is sufficient to allow DPR to acquire other park lands of equal acreage to the original park.
- Prohibit the Commission from considering substitute park offers unless the Commission determines that there is no other practical alternative to park land disposal or an incompatible use of park land.
- Apply to lands acquired for the state park system with public funds or through receipt of gifts of bequests for the purpose of expanding or maintaining the state park system.
- Explicitly not apply to any existing uses of state park lands that have been authorized in writing on or before January 1, 2012.

ARGUMENTS IN SUPPORT

The author states, "Existing law does not provide a clear, unambiguous policy for protecting state parks. Senate Bill 580 enacts commonsense protection for state parks that simply indicates that land use as state parks cannot be used for non-park purposes without Commission review of alternatives and substitution of lands of equal value."

The State Parks Foundation, the sponsor of this bill, states in support, "The goal of SB 580 is to protect the investment that Californians have made in the state park system. Especially in these times, when our state parks are being proposed for drastic program cuts and massive closures, it is important to safeguard this multi-million dollar public asset?Increasingly, state parks

are looked at as the path of least resistance for placing infrastructure and other development projects. These proposals have significant impacts to sensitive natural, cultural and historic resources in the state park system. Adverse outcomes that arise from improper use of our state's public lands include loss of recreational opportunities, loss of wildlife habitat and

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corridors, degradation of watersheds and diminished water quality, loss of park acreage and more."

ARGUMENTS IN OPPOSITION

The American Council of Engineering Companies of California, the California Chamber of Commerce, and the California Business Properties Association, in a joint letter, state in opposition to the bill, "This measure is intended to stop necessary infrastructure projects, whether they be utility, water or transportation improvements, from occurring within, or near, state park boundaries." More specifically, the joint opposition letter expresses concern that this bill:

- Violates existing contracts by abrogating existing contracts that the state has with property owners for concessions, access road easements, utility easements, etc;
- Discourages future expansions of the State Park system through voluntary arrangements with property owners and other public agencies who need to retain easements for non-park uses;
- Applies to park lands that DPR does not necessarily own in fee title;
- Reduces the ability to site new infrastructure which may especially affect AB 320 goals and "in-state" renewable portfolio standards by creating a barrier to electrical generation and transmission improvements;
- Creates a barrier for State Parks to use park lands for revenue generating purposes; and
- Subjects the state to litigation over the Commission's certification of substitute land.

COMMENTS

Many park units face potential conflicting uses of the park: On August 5, 2008, this committee held a joint oversight hearing with the Assembly Committee on Water, Parks and Wildlife on the state of the park system, including an overview of conflicting uses in and adjacent to state parks. The committee heard testimony regarding a proposed toll road through San Onofre State Beach, a proposed powerline through Anza-Borrego Desert State Park, and a large dairy that was proposed near Allensworth State Historic Park. In 2007, the State Parks Foundation conducted a survey of threats to state parks and found 122 threats to 73 parks.

Under existing law, the Commission would probably have to address the impact of such non-park uses in a formal manner through a general plan amendment approval, presuming that the non-park use would alter the park unit's general plan. However, the Commission currently has no authority to require any park

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mitigations, nor does the Commission have any statutory guidance on mitigating non-park impacts with substitute park land or monetary compensation. This bill would give the Commission that authority and guidance.

Requirements are consistent with the Preservation of Public Parks Act: This bill establishes requirements that are similar to the Preservation of Public Parks Act, which also requires substitute park land or sufficient monetary compensation when a public entity is acquiring public park land for non-park purposes. However, there has been some question as to whether this law applies to state parks, or just to city and county parks.

Similar replacement requirements exist for park lands acquired or developed with bond dollars (including Proposition 84 of 2006, Proposition 12 of 2000, and Proposition 70 of 1988) and federal Land and Water Conservation Act funds.

How should fair market value be determined? This bill requires that fair market value of the park land be determined by an "approved" appraisal. However, it is unclear who is responsible for approving the appraisal. The author may wish to instead require that the fair market value be based on an appraisal conducted by a qualified appraiser. This requirement would be consistent with the statutes governing the state acquisition of conservation land in §5096.511 et seq. (See amendment 1)

Previous legislation : This bill is identical to the last version of SB 679 (Wolk, 2009). SB 679 was passed by both houses of the Legislature, but ultimately was vetoed by Governor

Schwarzenegger.

Clarification amendments : The author may wish to make several clarification amendments to the criteria for substitute park lands. (See amendments 2 and 3).

SUGGESTED AMENDMENTS

AMENDMENT 1

On page 2, line 17, delete "an approved appraisal" and insert "an appraisal conducted by a qualified member of the Appraisal Institute who is licensed pursuant to Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code."

On page 3, line 6, delete "an approved appraisal" and

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insert "an appraisal conducted by a qualified member of the Appraisal Institute who is licensed pursuant to Part 3 (commencing with Section 11300) of Division 4 of the Business and Professions Code."

AMENDMENT 2

On page 2, line 10, delete "all" and insert "any"

AMENDMENT 3

On page 2, on line 14, delete "environmental value" and insert "environmental, natural, cultural, historic value"

On page 2, beginning on line 22, delete "or has reasonably equivalent natural, cultural, or historical significance."

SUPPORT

California State Parks Foundation
Central Coast Natural History Association
Chino Hills State Park Interpretive Association
Mendocino Area Parks Association
Stewards of the Coast and Redwoods
California League of Park Associations
Friends of Pio Pico, Inc.
Mt. Tamalpais Interpretive Association

OPPOSITION

American Council of Engineering Companies of California
California Chamber of Commerce
California Business Properties Association

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AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Huffman

December 6, 2010

An act to add Section 5080.42 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Huffman. State parks.

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units of the state park system, as identified by the director, with a qualified nonprofit organization that exists to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, or provide interpretive and educational services. This bill would require the operating agreement to include a requirement that the nonprofit organization annually submit a report to the department. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member’s district. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

~~This bill would declare the intent of the Legislature to address the need to fully fund the state park system with stable, reliable, and adequate funding sources.~~

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California state park system is a unique resource that
- 4 requires preservation and protection for future generations.
- 5 (b) California’s state park system is the largest in the nation and
- 6 contains over 1.5 million acres of land managed for natural,
- 7 cultural, and historical values in 278 parks across the state.
- 8 (c) California’s state park system hosts more than 80 million
- 9 visitors annually and houses over 3,100 historic buildings and
- 10 more than 14,000 individual and group campsites.
- 11 (d) California’s state park system is a major draw for tourism
- 12 in the state and generates over \$4 billion annually in economic
- 13 activity in communities near state parks and in park-related
- 14 expenditures.
- 15 (e) The budget for the state park system has not kept pace with
- 16 the state’s population growth and growing demand. The annual
- 17 budget for state parks has been significantly below the amount
- 18 necessary to maintain the parks in their current condition. The
- 19 ongoing shortfall has caused a burgeoning backlog of deferred
- 20 maintenance of over \$1.3 billion in 2010, inadequate staff to protect
- 21 park resources and maintain public access and safety, and partial
- 22 closures of many state parks.
- 23 (f) *Current budget resources will force the closure of state parks*
- 24 *throughout the system and create impediments to public access*
- 25 *and enjoyment of those parks.*
- 26 (f)

1 (g) Californians deserve a world-class state park system that
 2 will preserve and protect the unique resources of the state for future
 3 generations. *In order to safeguard those resources and maintain*
 4 *public access, California’s state park system must have stable,*
 5 *reliable, and adequate funding sources to fully fund and support*
 6 *our state parks.*

7 ~~(g) It is the intent of the Legislature to enact legislation to~~
 8 ~~address the need to fully fund the state park system with stable,~~
 9 ~~reliable, and adequate funding sources.~~

10 (h) *As the search for stable funding sources continues in this*
 11 *current budget crisis, it is critical that all efforts be made to*
 12 *continue public access to state parks and to keep our parks open.*
 13 *Nonprofit organizations can be important partners in meeting*
 14 *those objectives, and where possible, they should be invited to*
 15 *assist the state with operating parks in order to keep them open.*

16 SEC. 2. Section 5080.42 is added to the Public Resources Code,
 17 to read:

18 5080.42. (a) *Notwithstanding any other provision of this*
 19 *article, the department may enter into an operating agreement for*
 20 *the development, improvement, restoration, care, maintenance,*
 21 *administration, or operation of a unit or units of the state park*
 22 *system, as identified by the director, with a qualified nonprofit*
 23 *organization that exists to provide visitor services in state parks,*
 24 *facilitate public access to park resources, improve park facilities,*
 25 *or provide interpretive and educational services. The operating*
 26 *agreement shall include, but is not limited to, the following:*

27 (1) *The district superintendent for the department shall provide*
 28 *liaison with the department, the nonprofit organization, and the*
 29 *public.*

30 (2) *The nonprofit organization shall annually submit a written*
 31 *report to the department regarding its operating activities during*
 32 *the prior year and shall make copies of the report available to the*
 33 *public upon request. The report shall include a full accounting of*
 34 *all revenues and expenditures for each unit of the state park system*
 35 *that the nonprofit organization operates pursuant to an operating*
 36 *agreement.*

37 (3) *All revenues received from a unit shall be expended only*
 38 *for the care, maintenance, operation, administration, improvement,*
 39 *or development of the unit. The qualified nonprofit organization*
 40 *may additionally contribute in-kind services and funds raised from*

1 *outside entities for the care, maintenance, operation,*
2 *administration, improvement, or development of the unit.*

3 *(b) The nonprofit organization and the district superintendent*
4 *for the department shall, following submittal of the annual report*
5 *pursuant to subdivision (a), hold a joint public meeting for*
6 *discussion of the report.*

7 *(c) If the department intends to enter into an operating*
8 *agreement for a unit, the department shall notify the Member of*
9 *the Legislature in whose district the unit is located of that intention.*

10 *(d) (1) Notwithstanding Section 10231.5 of the Government*
11 *Code, the department shall provide a report to the Legislature, on*
12 *a biennial basis, of the status of operating agreements it has*
13 *entered into pursuant to this section. The report shall include a*
14 *list of units of the state park system with operating agreements,*
15 *discussion of the management and operations of each unit subject*
16 *to an operating agreement, an accounting of the revenues and*
17 *expenditures incurred under each operating agreement, and an*
18 *assessment of the benefit to the state from operating agreements*
19 *entered into pursuant to this section.*

20 *(2) A report submitted pursuant to paragraph (1) shall be*
21 *submitted in compliance with Section 9795 of the Government*
22 *Code.*

AMENDED IN ASSEMBLY MARCH 17, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 42

Introduced by Assembly Member Huffman

December 6, 2010

An act to add Section 5080.42 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 42, as amended, Huffman. State parks.

Existing law gives control of the state park system to the Department of Parks and Recreation. Existing law authorizes the department to enter into agreements with an agency of the United States, a city, county, district, or other public agency or any combination thereof, for the care maintenance, administration, and control by a party to the agreement of lands under the jurisdiction of a party to the agreement, for the purpose of the state park system.

This bill would authorize the department to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration, or operation of a unit or units of the state park system, as identified by the director, with a qualified nonprofit organization that exists to provide visitor services in state parks, facilitate public access to park resources, improve park facilities, or provide interpretive and educational services. This bill would require the operating agreement to include a requirement that the nonprofit organization annually submit a report to the department. The bill would require the nonprofit organization and the district superintendent for the department to hold a joint public meeting for discussion of the report.

The bill would require the department to notify a Member of the Legislature of an intention to enter into an operating agreement relating to a park in the member’s district. The bill would also require the department to report to the Legislature, on a biennial basis, the status of any operating agreement.

~~This bill would declare the intent of the Legislature to address the need to fully fund the state park system with stable, reliable, and adequate funding sources.~~

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California state park system is a unique resource that
- 4 requires preservation and protection for future generations.
- 5 (b) California’s state park system is the largest in the nation and
- 6 contains over 1.5 million acres of land managed for natural,
- 7 cultural, and historical values in 278 parks across the state.
- 8 (c) California’s state park system hosts more than 80 million
- 9 visitors annually and houses over 3,100 historic buildings and
- 10 more than 14,000 individual and group campsites.
- 11 (d) California’s state park system is a major draw for tourism
- 12 in the state and generates over \$4 billion annually in economic
- 13 activity in communities near state parks and in park-related
- 14 expenditures.
- 15 (e) The budget for the state park system has not kept pace with
- 16 the state’s population growth and growing demand. The annual
- 17 budget for state parks has been significantly below the amount
- 18 necessary to maintain the parks in their current condition. The
- 19 ongoing shortfall has caused a burgeoning backlog of deferred
- 20 maintenance of over \$1.3 billion in 2010, inadequate staff to protect
- 21 park resources and maintain public access and safety, and partial
- 22 closures of many state parks.
- 23 (f) *Current budget resources will force the closure of state parks*
- 24 *throughout the system and create impediments to public access*
- 25 *and enjoyment of those parks.*
- 26 (f)

1 (g) Californians deserve a world-class state park system that
2 will preserve and protect the unique resources of the state for future
3 generations. *In order to safeguard those resources and maintain*
4 *public access, California's state park system must have stable,*
5 *reliable, and adequate funding sources to fully fund and support*
6 *our state parks.*

7 ~~(g) It is the intent of the Legislature to enact legislation to~~
8 ~~address the need to fully fund the state park system with stable,~~
9 ~~reliable, and adequate funding sources.~~

10 (h) *As the search for stable funding sources continues in this*
11 *current budget crisis, it is critical that all efforts be made to*
12 *continue public access to state parks and to keep our parks open.*
13 *Nonprofit organizations can be important partners in meeting*
14 *those objectives, and where possible, they should be invited to*
15 *assist the state with operating parks in order to keep them open.*

16 SEC. 2. Section 5080.42 is added to the Public Resources Code,
17 to read:

18 5080.42. (a) *Notwithstanding any other provision of this*
19 *article, the department may enter into an operating agreement for*
20 *the development, improvement, restoration, care, maintenance,*
21 *administration, or operation of a unit or units of the state park*
22 *system, as identified by the director, with a qualified nonprofit*
23 *organization that exists to provide visitor services in state parks,*
24 *facilitate public access to park resources, improve park facilities,*
25 *or provide interpretive and educational services. The operating*
26 *agreement shall include, but is not limited to, the following:*

27 (1) *The district superintendent for the department shall provide*
28 *liaison with the department, the nonprofit organization, and the*
29 *public.*

30 (2) *The nonprofit organization shall annually submit a written*
31 *report to the department regarding its operating activities during*
32 *the prior year and shall make copies of the report available to the*
33 *public upon request. The report shall include a full accounting of*
34 *all revenues and expenditures for each unit of the state park system*
35 *that the nonprofit organization operates pursuant to an operating*
36 *agreement.*

37 (3) *All revenues received from a unit shall be expended only*
38 *for the care, maintenance, operation, administration, improvement,*
39 *or development of the unit. The qualified nonprofit organization*
40 *may additionally contribute in-kind services and funds raised from*

1 outside entities for the care, maintenance, operation,
2 administration, improvement, or development of the unit.

3 (b) The nonprofit organization and the district superintendent
4 for the department shall, following submittal of the annual report
5 pursuant to subdivision (a), hold a joint public meeting for
6 discussion of the report.

7 (c) If the department intends to enter into an operating
8 agreement for a unit, the department shall notify the Member of
9 the Legislature in whose district the unit is located of that intention.

10 (d) (1) Notwithstanding Section 10231.5 of the Government
11 Code, the department shall provide a report to the Legislature, on
12 a biennial basis, of the status of operating agreements it has
13 entered into pursuant to this section. The report shall include a
14 list of units of the state park system with operating agreements,
15 discussion of the management and operations of each unit subject
16 to an operating agreement, an accounting of the revenues and
17 expenditures incurred under each operating agreement, and an
18 assessment of the benefit to the state from operating agreements
19 entered into pursuant to this section.

20 (2) A report submitted pursuant to paragraph (1) shall be
21 submitted in compliance with Section 9795 of the Government
22 Code.

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BILL ANALYSIS

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Date of Hearing: March 22, 2011

ASSEMBLY COMMITTEE ON WATER, PARKS AND WILDLIFE
Jared Huffman, Chair
AB 42 (Huffman) - As Amended: March 17, 2011

SUBJECT : State Parks

SUMMARY : Authorizes the Department of Parks and Recreation (DPR) to enter into contracts with qualified nonprofit organizations to assist with operation of state parks. Specifically, this bill :

- 1) States legislative findings regarding the benefits and fiscal challenges facing California's state park system, and the need for stable, reliable and adequate funding to support state parks.
- 2) Recognizes the importance, as the search for stable funding continues, of efforts to continue public access to state parks and to keep parks open, and acknowledges that nonprofit organizations can be important partners in assisting the state in that effort.
- 3) Authorizes DPR to enter into an operating agreement for the development, improvement, restoration, care, maintenance, administration or operation of a state park unit with a qualified nonprofit organization that exists to provide visitor services in state parks, facilitate public access, improve park facilities, or provide interpretive and educational services.
- 4) Requires any nonprofit who enters an operating agreement with DPR to submit an annual written report that would be publicly available providing a full accounting of all revenues and expenditures.
- 5) Requires that all revenues received from a state park unit shall be expended only for the care, maintenance, operation, administration, improvement or development of the unit.
- 6) Authorizes nonprofit organizations to contribute additional in-kind services and funds for the care, maintenance, operation, administration, improvement or development of the park.

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- 7) Requires DPR to provide a biennial report to the Legislature on the status of any operating agreements it has entered.

EXISTING LAW :

- 1) Authorizes DPR to enter into operating agreements with local government entities for the operation of a state park unit.
- 2) Authorizes DPR to enter into contracts with for-profit companies for concession services in state parks.
- 3) Authorizes DPR to enter into cooperative agreements with nonprofit organizations to provide educational and interpretive services in state parks.
- 4) Authorizes DPR to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of El Presidio de Santa Barbara State Historic Park.
- 5) Authorizes DPR to enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of the Marconi Conference Center.

FISCAL EFFECT : Unknown

COMMENTS : California's state park system is the largest in the nation and includes 278 state parks covering over 1.5 million acres of lands managed by the state Department of Parks & Recreation for their natural, cultural and historical values for present and future Californians. Over the past several years, the general fund budget for state parks has decreased while user fees have increased. Today the park system has a deferred maintenance backlog of over \$1 billion. Last year as a result

of budget reductions, hours of operation at many parks were reduced, and a number of campgrounds, visitor centers and other public services were closed. In November 2010, Proposition 21, a statewide ballot initiative which would have provided ongoing dedicated funding for state parks through a vehicle license surcharge failed passage. This year the Governor has proposed, and the legislative Budget Conference Committee approved, an \$11 million reduction in General Fund (GF) support to DPR in the

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proposed 2011-12 budget. The Governor is also proposing an additional \$11 million reduction in 2012-13, for an ongoing annual GF budget reduction to DPR of \$22 million. These cuts are anticipated to necessitate the closure of a number of state parks this year throughout the system.

The author and sponsor of this bill assert that while the search for stable funding continues, it is critical that creative opportunities for public/private partnerships be explored and encouraged in order to minimize the impacts to state parks and, where possible, maintain public access to park resources. Public/private partnerships are one tool which may help the state to keep a few of the parks open that would otherwise be subject to closure. Currently, there are 86 nonprofit cooperating associations that provide varying levels of support for individual state park units. Cooperating associations are non-profit charitable 501 (c) 3 organizations dedicated to enhancing educational and interpretive programs in California State Parks. The associations assist with educational activities, provide trained docents for fieldtrips, raise funds for state parks, and volunteer in a variety of other ways to support the operation of state parks. Some qualified nonprofit organizations could provide greater assistance to DPR with the operations of a state park unit if DPR had authority to enter into negotiated agreements with nonprofits for that purpose. Such agreements could potentially enable DPR to keep open a park that would otherwise be subject to closure.

REGISTERED SUPPORT / OPPOSITION :

Support

California State Park Foundation (sponsor)
Audubon California
California League of Park Associations
Central Coast Natural History Association
Chino Hills State Park Interpretive Association
Friends of Pio Pico, Inc.
Friends of Santa Cruz State Parks
Mendocino Area Parks Association
Stewards of the Coast and Redwoods
The Nature Conservancy

Opposition

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None on file

Analysis Prepared by : Diane Colborn / W., P. & W. / (916)
319-2096



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: April 11, 2011
Agenda Item: 4. C
Subject: Consideration and potential approval of comments on the Napa Pipe project.

Recommendation

Direct staff to continue monitoring the proposed Napa Pipe project, and to provide input as appropriate reiterating the District's position adopted by the Board in January 2010 regarding the Napa River and Bay Trail through the project site and trail connections to the north and south.

Background

In January of 2010 the District Board approved the submittal of comments to the draft EIR for the Napa Pipe project (see attached) related to the construction and operation of the Napa River and Bay Trail through the project site as well as the trail connections to the north and south.

Because of the number and scope of comments submitted on the draft EIR for the project, the County has required the preparation of a Supplement to the draft EIR. This supplement, which is now out for comments, focuses on issues which are not within the District's areas of interest (eg, principally traffic, water supply, wastewater treatment and disposal, and greenhouse gas emissions). The Supplement does not address the Napa River and Bay Trail. Presumably, the project sponsor continues to support its prior commitment, made to representatives from the Vine Trail Coalition, the Napa bicycle coalition, and the District, to construct the trail to Class I standards through the project as well as the connection north to Kennedy Park and south to the Napa Valley Corporate Park. However, this commitment has not yet shown up in the official public record.

Once the comment period on the supplemental draft EIR is over, the County will work with the project sponsor to develop responses to all of the comments submitted on the draft EIR and on the supplemental draft EIR. Until those responses to comments are prepared, there is no need for the District to repeat its prior comments. Therefore, staff recommends the District Board direct staff to continue to monitor the project and to reiterate the District's prior comments as appropriate, but to take no other further actions at this time.



Napa County Regional Park
and Open Space District

January 11, 2010

Sean Trippi
Napa County Department of Conservation, Development & Planning
1195 Third Street, Suite 210
Napa, CA 94559

RE: Comments on Napa Pipe Draft Environmental Impact Report of October 23, 2009

Dear Sean:

The Napa County Regional Park and Open Space District does not have a position for or against the Napa Pipe development proposal which is the subject of the above-referenced DEIR, but would like to submit comments addressing the non-motorized pedestrian and bicycle circulation aspects of the proposal.

The District Master Plan support the completion of the Napa River Trail, San Francisco Bay Trail and Napa Valley Vine Trail between the cities of Napa and American Canyon, as a Class I bicycle and pedestrian route, following a route as close to the Napa River as feasible. The preferred route goes through the Napa Pipe property.

The diagrams and text contained in the DEIR indicate an intention for the developer to construct a bicycle and pedestrian route through the project, but are not clear as to the design. District staff, together with other supporters of these three trail systems, have therefore met with the developer to seek additional clarification of their plans (see attached). We request that the Final EIR incorporate these clarifications, as further modified below, and make them required mitigations for the project's extensive traffic impacts. The essential features of the attached clarifications are two connected north-south non-motorized trails (one relatively direct, and one more aesthetic), and three east-west connections, all consistent with Class I design standards (except for path widths, which are addressed in our comments below).

We also request that the following additional mitigations be incorporated into the Final EIR:

- (1) The path connection heading north to Kennedy Park is shown paralleling the railroad tracks. While this is the preferred alignment, it requires a right of way which the developer does not currently possess. If the developer is unable to obtain the necessary right of way, the project should be required to construct a bridge over Asylum Slough connecting directly between the Napa Pipe site and Kennedy Park. One or the other of these connections is essential for the non-motorized trails to function as intended.
- (2) In some locations the proposed path widths are less than the standard width for Class I facilities. Given the size of the project site, and the flexibility in site design that this large

size allows, all of the routes (including also where the river alignment crosses over the dry docks) should be designed to meet Class I width standards.

- (3) For the proposed non-motorized path system to effectively mitigate traffic impacts of the project, it is important that the system not stop at the southern end of the project site, but continue south to American Canyon. The Napa County Regional Park and Open Space District is actively working to construct a Class I trail that will make this connection, aligned as close to the Napa River as possible,. A feasibility study for the entire route has been completed, and the section between American Canyon and Green Island Road has been funded and is under construction. In addition, the District is in the process of finalizing permits for the 4,000-plus linear foot section of this trail immediately to the south of the project site (through the Napa Valley Corporate Park and under the Butler Bridge connecting to Soscol Ferry Road.. We believe that the Napa Pipe project should reasonably be required to fund at least this section of the overall route. This section is estimated to only cost approximately \$350,000, making it a cost-effective way to provide a safe and appealing connection from the Napa Pipe property to south of Highway 29.

Off-site traffic impacts of the proposed Napa Pipe project are clearly huge. Off-site street and road improvements can mitigate to some degree for these impacts, but cannot provide full mitigation. Indeed, some past countywide traffic modeling done by the Napa County Transportation Planning Agency has suggested that expansions to the capacity of Highways 29 and 12 south of the project site could actually worsen congestion in some other parts of the County, by removing south-county bottlenecks that currently limit north-county traffic levels. For these reasons, we believe it is essential that traffic impacts from the project be mitigated as much as possible through expansion of the county's non-motorized circulation system.

Thank you for your consideration of these comments on the Draft Environmental Impact Report.

Sincerely,

John Woodbury
General Manager



- LEGEND**
- SHARED TRAIL (PEDESTRIANS+BICYCLES)
 - 12' WIDE TRAIL
 - 12' WIDE TRAIL 'WALK YOUR BIKE ZONE'
 - SEPARATED TRAIL
 - 8-9' WIDE PEDESTRIAN TRAIL
 - 2-4' WIDE MEDIAN
 - 8' WIDE BICYCLE TRAIL
 - PLAN ENLARGEMENT

CONNECT TO PROPOSED BAY TRAIL AND KENNEDY PARK VIA PATH AROUND HARBOR

CONNECT TO PROPOSED BAY TRAIL

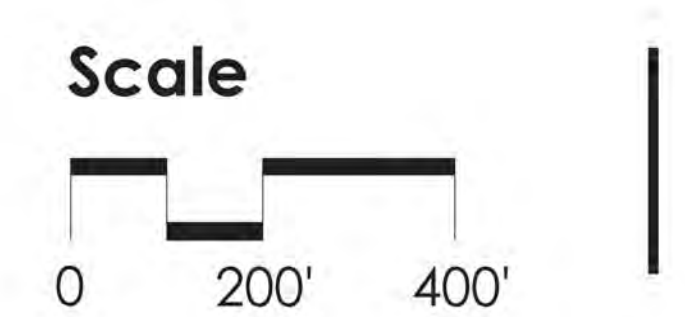
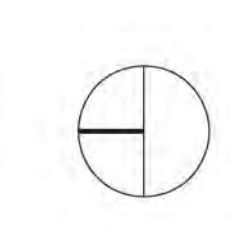
NAPA PIPE

NAPA REDEVELOPMENT PARTNERS
5 Third Street, Suite 1014
San Francisco, CA 94103

WILLIAM RAWN ASSOCIATES, ARCHITECTS INC.
10 Post Office Square, Suite 1010
Boston, MA 02109

OLIN
PUBLIC LEDGER BUILDING SUITE 1123
150 SOUTH INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106

Olin Partnership, Ltd



Bike Trail Diagram

17 DECEMBER 2009



Napa County Regional Park
and Open Space District

STAFF REPORT

Date: April 11, 2011
 Agenda Item: 4.D
 Subject: Receipt of report on expenditures, encumbrances, donations and grants approved by the General Manager

Recommendation

Receive the report.

Background

Section III.A (7) authorizes the General Manager to bind the district for supplies, materials, labor and other valuable consideration, in accordance with board policy and the adopted District budget, up to \$10,000 for non-construction purposes and up to \$25,000 for construction purposes, provided that all such expenditures are subsequently reported to the Board of Directors. Section III.A(8) of the By-Laws authorizes the General Manager to apply for grants and receive donations, subject to reporting such actions to the Board of Directors. Pursuant to this authorization, the following information is provided to the Board.

<u>Date</u> Expenses	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
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<u>Date</u> Expenses	<u>Purpose</u>	<u>Source / Recipient</u>	<u>Amount</u>
2/22/2011	Expense reimbursement for Flyway Festival registration and annual celebration expenses	CY Yip	\$359.86
3/2/2011	Moore Creek CEQA filing fee	Dept of Fish and Game	\$2,044.00
3/14/2011	Moore Creek Use Permit legal notice	Napa Valley Publishing	\$317.06
3/21 and 4/5/2011	Transportation reimbursement	John Woodbury	\$231.22
3/21/2011	Moore Creek bat houses	NC PSI	\$108.75
3/21/2011	Moore Creek expense reimbursement	CY Yip	\$440.30
3/21/2011	Moore Creek gate expense reimbursement	John Woodbury	\$1,696.34
3/21/2011	Moore Creek transportation reimbursement	John Woodbury	\$92.82
2/1/2011	Oat Hill Mine Trail sign expense reimbursement	John Woodbury	\$10.76
3/14/2011	Camp Berryessa legal notice	Napa Valley Publishing Company	\$154.46
4/5/2011	Napa River Eco Reserve transportation	Napa Valley Unified School District	\$164.60

Plan of Projects

Status Report for April 11, 2011

Name of Project	Description	Status
Bay Area Ridge Trail Realignment	Amendment to the proposed alignment of the Bay Area Ridge Trail extend north to the Oat Hill Mine Trail	Ridge Trail Board has approved evaluating the amended alignment. District staff is working with the Ridge Trail and other partners to prepare the evaluation. Sonoma County agency staff have prepared an initial analysis of trail alignments on the Sonoma side of the Napa-Sonoma border. District staff is working with two volunteers to prepare the analysis for the Napa County side.
Bay/River Trail -- American Canyon to Napa	An 8+ mile recreational trail between the cities of American Canyon and Napa generally following the Napa River and interior levees of associated wetlands.	Phase One--Euclptus Drive to Green Island Road Feasibility study completed. Phase one (American Canyon to Green Island Rd) CEQA review and Use Permit done. The contract for a \$1,032,300 California River Parkway Grant has been signed. Agreements between the Waste Management Authority, City of American Canyon and the District for the landfill loop have been signed. The District-DFG Agreement has been signed. The Authority has approved the necessary amendment to the landfill closure permit. DFG expects to complete levee repair work by early September. <u>Questa Engineering is nearly complete with the construction plans and specifications in November, with the goal of starting construction in June 2011. Staff is continuing to work with the CCC to see if it is possible for them to install the fencing around the landfill now in response to concerns about trespassing.</u> Construction of the Phase One trail is scheduled for the summer of 2011, with the interpretive elements completed by early 2012.
Phase Two--Green Island Road to Soscol Ferry Road		Questa has completed a revised the draft PUC permit application for a public crossing of the SMART tracks. SMART, NRCA and the PUC have verbally agreed to allow the railroad crossing; formal concurrence is now being sought. <u>District staff is now working with SMART to get their formal approval.</u> LSA Associates has completed a biological survey for the Fagan Marsh area; based on the results, DFG has indicated they do not want the trail alignment to follow the levee on the north side of Fagan Marsh; District staff is now reviewing the feasibility of an alternative alignment. DFG, the Bay Trail Project and the Coastal Conservancy have tentatively agreed on funding to prepare the supplemental environmental analysis for the section of the trail next to DFG's ponds 9 and 10; this work will be handled by Ducks Unlimited on behalf of DFG, who in September 2010 submitted a grant request to the Conservancy.
Phase Three--Soscol Ferry Road to Napa Pipe		All permits and permissions have been obtained, and construction bid documents are done. The project is ready to go to construction as soon as funding can be obtained. Funding for this project is included in the draft regional Transportation Improvement Plan, which will be voted on by the Metropolitan Transportation Commission in November or December of 2010. Caltrans staff has decided they are opposed to entering into a Master Agreement with the District for the receipt of this and expected future grants using federal transportation funds, so staff is working to route the grants through NCTPA. It is hoped that construction will occur in the summer of 2011, but this may slip depending on how long it takes to resolve the Master Agreement issue and for Caltrans to complete their federal environmental review. <u>NCTPA has agreed to act a pass through for the Caltrans grant, and staff has submitted the necessary paperwork.</u>
Berryessa Estates	Acquire 480 acres next to Berryessa Estates from BLM at no fee through their Recreation and Public Purpose Act procedure. Would serve as a wilderness park for local residents eventually be the northern trailhead for a trail between Berryess Estates and Pope Canyon.	The District met with BLM in mid-January to discuss how to speed up BLM's process for the no-fee transfer of this property. CDF and the Pope Valley Volunteer Fire Department have added a proposal to construct a fire substation on a corner of the property. A community meeting was held March 2009 to get input from the community. The District has completed the donation to the District of a small, 0.2 acre property that provides critical access to the northeast corner of the property. The District has allowed excess soil from a nearby public project to be disposed of on this property, which saves them money and facilitates the eventual construction of the fire substation; staff is working on a drainage easement to the County to assure the County takes care of the extension of the storm drain under this new fill. CDF crews did extensive fire break work in 2009 to protect the residences next to the BLM land.
Berryessa Vista	Planning and stewardship of this 224 acre wilderness park.	Volunteers working with the District have completed detailed GIS mapping showing all existing roads, creek crossings, vista points and potential campsites. Continuing damage by off-road vehicles trespassing on the property was noted; staff is developing a plan for how to stop the trespass. As a first step, a letter was sent to all property owners in that area introducing the District, explaining the deed restriction prohibiting off road vehicles, and asking for their cooperation. No further work is anticipated until Lake Berryessa Trail planning is completed by Berryessa Trails and Conservation. <u>An inholding between the District's property and BLM property is available for purchase; the land trust has agreed to pursue purchase of the property, with the understanding that the District is interested in acquiring the property from the land trust at a futrue date when funding is available.</u>

<p>Blue Ridge/Berryess Peak Trail</p> <p>Obtain right of way and construct trail to provide public access to extensive federal lands on Blue Ridge and to Berryessa Peak</p>	<p>Obtained donated trail easement from the Ahmann family to close gaps between existing public lands on Blue Ridge. Undertook a reconnaissance of the trail route in December 2008. Based on this reconnaissance, a revised easement description was drafted, approved by the landowner and recorded. Botanical surveys field work needed for CEQA review is complete. At Negative Declaration and Use Permit hearing was approved December 16, 2009 by the County Planning Commission. An Operations and Management Plan has been approved by the property owner and the District. District staff and volunteers have flagged the route of the trail through the Ahmann property. <u>There have been volunteer trail building work parties in November 2010 and January, February and March 2011. Further work parties are scheduled for April and May to complete the easement section of the trail. BLM staff is scheduled on April 11th to spect the proposed trail alignment where it crosses BLM land.</u></p>
<p>Camp Berryessa</p> <p>Redevelopment of former Boy Scout Camp into a group/environmental education camp.</p>	<p><u>MOU with Bureau of Reclamation gave the District an 18 month period to develop a feasibility study for the camp. The District has completed the feasibility report, and BOR has reviewed and supports the conclusions. The District and staff are finalizing a land use agreement. The draft combined NEPA/CEQA document has been completed and certified. A grant for \$50,000 to help with construction has been provided by the Mead Foundation. A \$1.5 million grant to construct Phase One of the camp was approved by the State Coastal Conservancy Board March 17, 2011. The camp is hoped to be ready to open by fall of 2012.</u></p>
<p>District Non-profit Foundation</p> <p>Organize a non-profit foundation to raise funds for District projects</p>	<p>The District Board has approved the goals, objectives and basic structure for a non-profit foundation to assist the District with fundraising. Board members are contacting potential future members of the foundation governing board.</p>
<p>Lake Hennessey North Shore Trails</p> <p>Would open up several miles of existing dirt access road, and construct approximately 1 mile of new single track trail, into a loop trail system on the north side of Lake Hennessey, and connecting to the planned Moore Creek Open Space Park trail system.</p>	<p>The Napa City Council in November, 2009 directed city staff to work with the District to finalize an agreement for the proposed Hennessey trails. A plant survey of the new section of trail was completed on April 3, 2010. City and District staff have come to a agreement on the extent of improvements and operational parameters, and are now working to complete a draft agreement for approval by both agencies. <u>the date for consideration by the City Council has not yet been set</u> The District approved a Mitigated Negative Declaration on February 14, 2011. The earliest this area could be opened to the public is summer of 2012.</p>
<p>Milliken Reservoir Trails and Picnic Area</p> <p>Would construct approximately 3 miles of Bay Area Ridge Trail plus additional feeder and loop trails, along with a staging and picnic area</p>	<p>The feasibility study has been completed, and accepted by the Board of Directors. The Napa City Council in November, 2009 approved city staff recommendation to hold off on the Milliken Reservoir trails project until the Hennessey trail project is up and running.</p>
<p>Moore Creek Open Space Park Development</p> <p>Development of open space park on 673 acres acquired by the District adjacent to City of Napa watershed lands at Lake Hennessey to protect habitat, provide recreational trails, and overnight camping facilities.</p>	<p>Wells at the gate house and ranch house dug, pumps installed and water quality tested, and the gate house well connected up. An agreement for surveying the boundary between the District property and adjacent private property to the east has been signed <u>the survey is approximately 50 percent complete.</u> Volunteers have demolished a large old shed, constructed a new boundary/pool fence at the ranch house, planted and irrigated 250 willows, oaks and buckeyes to stabilize a section of creek bank; demolished 3 additional decrepid structures, removed thousands of invasive French broom plants, and done a lot of tree pruning and weed removal to reduce fire risk, and hauled off more than 50 yards of trash. <u>A Mitigated Negative Declaration was approved by the District on February 14, 2011, and the Use Permit was approved by the County on March 2, 2011.</u> Contracts for engineering and architectural services were approved in June 2010 <u>and the work is underway.</u> The County road crew did extensive drainage improvements to the dirt access road in August and September 2010, and water meters were added to the subcreek wells to comply with new state regulations. The ranch house driveway and parking area was surfaced with gravel in October. <u>The Feb 12-13, 2011 volunteer work party removed brush from approximately 1 mile of the proposed Vista Trail alignment; an RFP has been issued for the mechanized portion of the work involved in building this trail.</u> The park is expected to open to the public by fall 2011.</p>
<p>Napa River Ecological Reserve Restoration</p> <p>Remove invasive plants and restore native vegetaion in the entryway meadow, replace damaged signage and information panels, restorate the interior trail and interpretive elements, and if feasible install a seasonal bridge, using a \$100,000 grant from the State Coastal Conservancy.</p>	<p>The California Conservation Corps completed a first round of mechanical weed removal and installed an all-weather surface on the trail from the parking area to the river levee, in May 2010. In June the CCC did follow up chemical spraying and completed construction of the interpretive path. Staff is continuing to work with local teachers to development curriculum and set up educational field trips for the next school year. Additional invasive weed removal was done by volunteers on two weekends in September 2010. The District assisted Audubon coordinate a volunteer project on November 6, 2010 to prepare new maps showing the location of invasive species on the southwest side of the river and continue removal of invasive plants. The District has used grant funding to bring numerous school classes to the site to study ecology of the area and assist with the habitat restoration. <u>Native plant cuttings gathered from the reserve are being propagated in preparation for planting this fall.</u></p>
<p>Oat Hill Mine Trail</p> <p>Improvements to first 1/2 mile of trail next to Calistoga</p>	<p>The litigation holding up this project has been successfully concluded, meaning the District can now complete repairs to the first 1/2 mile of the trail. This should be accomplished before the end of the summer of 2011.</p>
<p>Oat Hill Mine Trail</p> <p>Transfer of 40 acre parcel from BLM</p>	<p>The District in 2008 applied to BLM for a non-fee transfer to the District of a 40 acre parcel at Maple Springs on the Oat Hill Mine Trail; this application is pending. Staff met with BLM in February 2011 to discuss how to speed up this transfer.</p>

<p>Rector Ridge/Stags Leap Ridge Trail</p> <p>Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.</p>	<p>CEQA on this project was completed several years ago--staff is preparing an update to the Negative Declaration due to the passage of time since the original approval. The project concept has been approved by the District Board, and is being positively viewed by the Veterans Home administration. Veterans Home staff have been having difficulty figuring out what approval process is needed, because of ongoing discussions at the state level about the appropriate roles and future programs for the Veterans Home. District and Veterans Home staff have discussed possible short-term steps that can be taken to get the project moving. Key management staff at the Veterans Home retired in November, so progress is delayed pending the filling of their vacant positions.</p>
<p>River to Ridge Trail</p> <p>Lot line adjustment to legalize River to Ridge Trail as constructed (it currently encroaches on private property in two locations)</p>	<p>Deeds accomplishing the adjustment in property boundaries between Syar and the State have been recorded. If the County ends up not being able to purchase Skyline Park, including the area with the River to Ridge Trail, then the County and the state will need to record a new trail alignment easement description.</p>
<p>River to Ridge Trail</p> <p>Correct drainage problems to trail can be used year-round.</p>	<p>Two volunteer work weekends in March and April and two more in May of 2010 were organized by the District to clear brush, improve drainage, and surface about 300 feet of the trail with quarry fines to control problems with mud. About 50 feet of the trail still needs to be surfaced with quarry fines.</p>
<p>Skyline Park Protection</p> <p>Purchase of Skyline Park from the State</p>	<p>Three past legislative efforts to authorize sale to the County failed due to unrelated disagreements between the state legislature and administration. Separately, the County in September 2009 approved a new park overlay zone and an updated Master Plan for Skyline Park. A fourth legislative effort by Assemblymember Evans in 2010, sponsored by Napa County and supported by the District, was approved by the legislature and signed by the Governor. The next big step is for the County and state General Services to agree on an appraisal process for determining the fair market value purchase price. Negotiations with DGS over determining the purchase price are underway.</p>
<p>South Napa Wetlands Habitat Area</p> <p>Transfer to the District those wetlands owned by the Napa County flood control district between the Napa River, Highway 29 and Newport Drive for use as habitat and nature-based recreation.</p>	<p>Transfer approved in concept by the flood control district. Park District staff has prepared the first draft of a transfer agreement. The Flood District and staff are continuing to research details related to completing the transaction. Attorney's for the flood district have concluded it would be better from their perspective for the flood district to retain ownership of the property, but to grant an access and habitat restoration easement to the district.</p>
<p>Spanish Valley, Crystal Flats and Stone Corral</p> <p>Planning for 3,400 acres of open space donated by Bob and Evalyn Trinchero</p>	<p><u>Staff met with key community leaders from Lake Berrvessa Estates on February 6 and March 6, 2011. A public session is scheduled for April 21st at the Pope Valley Farm Center. A neighboring property owner is requesting an easement across the District's Stone Corral property; staff has responded requesting more information.</u></p>
<p>Vallejo Lakes</p> <p>Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County</p>	<p>Staff-level discussions between the District, the Land Trust of Napa County, the County of Solano and the Solano Land Trust indicate a common desire to work together to purchase this property adjacent to Skyline Park. The City Council of the City of Vallejo has officially authorized staff to pursue surplus of the property. District staff and our partners are continuing to research issues related to the property, including potential public access locations, potential trail alignments, and easements and other encumbrances which affect the property. The State Coastal Conservancy has indicated an interest in assisting with the funding necessary to purchase the property. The City of Vallejo has hired an appraiser to prepare an estimate of the property's fair market value. The surplus process has slowed down due to new discussions between the City and residents of Green Valley over overall water supply arrangements. The District is working with the American Land Conservancy to find funding for the acquisition.</p>
<p>Vine Trail</p> <p>A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal</p>	<p>The District has entered into an MOU with the Vine Trail Coalition to provide assistance as requested by the Coalition in receiving funds, preparing plans and environmental documents, constructing and operating the trail. The District, the Bay Area Ridge Trail, the San Francisco Bay Trail and the Vine Trail Coalition have prepared a joint Case Statement for the combined trail network for fundraising purposes. The District on February 5, 2010 submitted an appropriations request for FY 2011 to Senator Feinstein, and a similar request to Congressman Thompson on February 26, 2010 on behalf of the Vine Trail Coalition. <u>The Metropolitan Transportation Commission has included \$211,000 in the Transportation Improvement Plan for FY 10-11 to fund preliminary engineering work on the trail between Yountville and the center of the City of Napa, and the Coalition in September voted to provide the grant's required \$28,000 non-federal match. Another \$183,000 in federal Transportation Enhancements fund is available to construct the section of the trail under the Butler Bridge. NCTPA will act as pass-through for both of these grants, since Caltrans has not been willing to enter into a Master Agreement with the District.</u></p>
<p>Wild Lake Ranch</p> <p>Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, which acquired the property.</p>	<p>The District is participating in the development of a strategic plan for the property, together with other public lands in the area, that is being led by the Land Trust of Napa County. The advisory committee has met once, and completed a field trip to inspect the property. The planning process was put on hold due to the freeze in the state bond-funded grant; however, the freeze was mostly lifted in August and the planning process has restarted. A community input meeting was held on March 24, 2010. The Wildlife Conservation Board approved purchasing a \$6 million easement from the Land Trust at its August meeting, this purchase will enable the Land Trust to repay its outstanding loans and start an endowment for managing the property. The Advisory committee on which the District serves met in October to review the draft plan. Next steps will depend on how the Land Trust decides to proceed.</p>

Completed Projects

Berryessa Vista Acquisition	Purchase of 224 acres from the Land Trust of Napa County for use as a public park completed in early 2008 using State Prop 12 funds.
Connolly Ranch	Construction of patio, restrooms and cooking facilities completed in 2008 using State Prop 12 funds.
Oat Hill Mine Trail	The Oat Hill Mine Trail was formally opened in May Of 2008, after a major volunteer work party doing signage installation, brush removal and erosion control.
Linda Falls	Conservation easement accepted in spring 2008 from Land Trust of Napa County to provide additional protection for this 39 acre property, which is owned by the land trust
Master Plan Development	The Master Plan for 2008-2013 was approved in January 2009
Moore Creek Open Space Park	Acquisition of 673 acres in the Moore Creek Watershed completed in December 2008. Trail reroute to remove two stream crossings mostly completed in May 2009. New heater installed in gatehouse in
Napa River Ecological Reserve Improvements	Parking area paved, and rock barrier installed to control vehicular access in 2007. Trash enclosure constructed and entry signs restored by volunteers in 2008. Deteriorated kiosk removed in 2008. The District in July 2008 assumed the County's role in managing the preserve under the joint management agreement with DFG. A new maintenance contract with the non-profit organization Options 3 was started in January 2009. The old deteriorated information kiosk, which had become a serious eyesore, was removed in November 2008.
Napa River Flood Control Easement	Conservation easement accepted by District in 2007 to facilitate Flood District project and grant funding
Newell Preserve Improvements	As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust was willing to use some of the proceeds from the transaction to fund a well pump and distribution system at the Preserve. However, the first well drilled by the City of American Canyon came up dry. The City has dropped plans for digging any more test wells. Provide on-site water supply for group campground and so cattle can be restricted from access to riparian areas.
River to Ridge Trail Enhancements	Installation of animal silhouettes along the entryway fence illustrating the types of birds and mammals that can be found in the area completed by Eagle Scout candidate in 2008. In November 2008 five Valley Oak trees were planted at the Highway 221 entrance to the trail with the assistance of a volunteer from CNPS.
River to Ridge Trail Entrance Enhancements	A new information kiosk was installed at the entrance in December 2008 as part of a Boy Scout project. Several Live Oak seedlings were donated by CNPS and have been planted at the entrance to improve its appearance.
Skyline Park Road and Trail Improvements	Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds.
Skyline Park Concessionaire Agreement Renewal	District staff negotiated renewal of concessionaire agreement on behalf of the County. The renewal involved changes to the fee schedule and amendments to and approval of subagreements with three non-profit partner organizations.
Skyline Park Trail Improvements	Major volunteer event to reroute and repair trails Staff worked with SPCA and V-O-CAL to sponsor a weekend work party on October 15-17, 2010. Approximately 110 volunteers worked to reroute and repair trails experiencing serious erosion problems. SPCA is donating \$1,000 toward expenses.
Skyline Park Facility Improvements	The proposals for a second greenhouse and a covered arena were approved by the Department of General Services and by the County Board of Supervisors. The sponsors of these projects are now raising funds for implementation. Partner-sponsored improvement include a second
Trichero Open Space Acquisition	The donation was completed on December 29, 2010. A related granting of an access easement to the Lake Berryessa Resort Improvement District was completed in mid-January 2011. Donation of 3,400 acres of open space to the District by Bob and Evalyn Trinchero