



COUNCIL AGENDA: 09-23-08
ITEM: 3.8

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

**SUBJECT: AB 31 (DE LEON) STATEWIDE
PARK DEVELOPMENT AND
COMMUNITY REVITALIZATION
ACT OF 2008**

DATE: 09-19-08

RECOMMENDATION

As referred by the Rules and Open Government Committee of September 17, 2008 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, consider a position of support for AB 31 (De Leon) – Statewide Park Development and Community Revitalization Act of 2008.





Memorandum

**TO: RULES AND OPEN
GOVERNMENT COMMITTEE**

FROM: Albert Balagso

SUBJECT: SEE BELOW

DATE: September 10, 2008

Approved *Christine J. Shippey* Date *9/12/08*

**COUNCIL DISTRICT: City-Wide
SNI AREA: N/A**

SUBJECT: AB 31 (DE LEON) –PARKS PROGRAM UNDER PROP. 84

RECOMMENDATION

It is recommended that:

1. The Mayor and City Council support AB 31.
2. The Rules Committee provide a one-week turn around for Mayor and City Council to review.

OUTCOME

If the Rules and Open Government Committee and the Mayor and City Council accept staff's recommendation, the City will issue a letter of support for the bill. Staff believes that AB 31 deserves the utmost attention because it passed the Legislature and is awaiting the Governor's signature. This bill could provide a funding stream for the City's parks and have a significant impact on existing and future park capital projects.

BACKGROUND

On November 7, 2006, the voters approved the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the state to sell \$5.4 billion in general obligation bonds for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements. Specifically, Proposition 84 included \$400 million for competitive grants for local and regional parks.

AB 31 (De Leon) establishes the Statewide Parks Development and Community Revitalization Act of 2008 which would utilize the \$400 million from proposition 84 to fund the acquisition and development of parks, recreation areas, and facilities in critically underserved communities. The legislation authorizes a city, regional park district, joint powers authority, or county, and specified nonprofit organization to apply for local assistance program grants, and revises the criteria for these grants. It requires adoption of guidelines to amplify or clarify grant criteria or

develop a procedural guide. AB 31 further recommends that the state provide technical assistance for grant preparation and project development.

Very few park related bills have been introduced during the 2008 State Legislative cycle. AB 31 is one of them and of most relevance to San José residents because it would provide funding for parks under Proposition 84, the Urban Park Act of 2006 and approved by voters in November of 2006.

AB 31 (De Leon) has been approved by the legislature and is awaiting the Governor's signature.

ANALYSIS

According to the eligibility requirements prescribed in the bill, the City of San Jose would score well and be competitive for parks funding under Proposition 84. For the purposes of this act, under-served communities are defined as communities with less than 3 acres of usable parkland per 1000 residents or have insufficient or no park space and recreational facilities. The City's General Plan has a parkland goal of 3.5 acres of neighborhood and/or community serving parkland per 1,000 residents. Currently, the City has 1.16 acres of parkland per 1000 residents (2.97 if school lands are included). Furthermore, many of the characteristics which AB 31 would encourage, are the same characteristics that San José is seeking to address (e.g., deficient park space, new park development, trails).

A number of governmental and non-governmental agencies support AB 31, including AFSCME, Audubon California, The Trust For Public Land and the Cities of Emeryville, Glendale and Oakland, and the County of Los Angeles. PRNS staff has not identified any opposition to AB 31.

A detailed fact sheet and analysis of AB 31(De Leon) is attached.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This legislative item does not meet any of the above criteria.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the Intergovernmental Relations Office.

POLICY ALIGNMENT

The attached fact sheet and analysis is consistent with the Council-adopted 2008 Legislative Guiding Principles and the 2007 Proposition 84 Guiding Principles.

CEQA

Not a project.



ALBERT BALAGSO
Director of Parks, Recreation
and Neighborhood Services

For more information, call Rajesh Adoni, Sr. Analyst, at (408) 793-4184.

AB 31 (De Leon) – STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION ACT OF 2008

What's the issue the bill is trying to resolve?

AB 31 (De Leon) establishes the Statewide Parks Development and Community Revitalization Act of 2008 which would fund the acquisition and development of parks, recreation areas, and facilities in critically underserved communities. On November 7, 2006, the voters approved the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84). Proposition 84 authorizes the state to sell \$5.4 billion in general obligation bonds for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements. Specifically, Proposition 84 included \$400 million for competitive grants for local and regional parks. AB 31 requires the Department of Parks and Recreation (DPR) to:

- Establish a competitive local assistance program that will provide funding for both neighborhood and regional parks throughout the state to “critically underserved communities.” Eligible projects must result in the creation of a new park, facility, or recreational opportunity. “Critically underserved communities” are characterized by either less than 3 acres per 1000 residents or are “disadvantaged communities”, as defined under State law, that have insufficient or no park space and recreational facilities. Facilities eligible for funding include places for organized team sports, outdoor recreation, informal turf play, play structures, landscaping, community gardens, and multipurpose structures needed to meet recreational needs of youth and seniors.
- Award grants if the project meets specific criteria including creating a new park, multipurpose facility or recreational opportunity where one currently does not exist; the project is located in a critically underserved community or in the case of a regional park or trail, the project is within close proximity to one or more critically underserved communities; the project is designed to provide efficient use of water and other natural resources; and the grant applied for, along with any matching contribution, will meet all the costs of acquiring or developing the new facility and when completed, the new park or facility will be fully usable by the residents of the critically underserved community.
- Prioritize projects based on acquisition, development, or expansion of new or overused parks in communities that have insufficient (or no park) recreation facilities; the area has a significant percentage of persons living at or below the poverty level and will enhance workforce development; and the project applicant has actively involved the public and community based groups in the selection and planning of the project.
- Offer technical assistance to applicants.
- Adopt the guidelines or develop the procedural guide on or before April 1, 2009.

How would the passage of this bill affect San José?

Staff anticipates that the City would be competitive for parks funding under Proposition 84 because the City would score well according to the eligibility requirements prescribed in the bill. For the purposes of this act, under served communities are defined as communities with less than 3 acres of usable parkland per 1000 residents or have insufficient or no park space and

recreational facilities. The City's General Plan has a parkland goal of 3.5 acres of neighborhood and/or community serving parkland per 1,000 residents. Currently, the City has 1.16 acres of parkland per 1000 residents (2.97 if school lands are included). Furthermore, many of the characteristics which AB 31 would encourage, are the same characteristics that San José is seeking to address (e.g., deficient park space, new park development, trails).

What is staff's Proposed Position?

Staff recommends that the City support AB 31. The City's Greenprint (currently being updated) has identified several park capital projects that fit very well with in the areas addressed by this bill.

If passed the provisions in this bill would help the City supplement the acquisitions and /or development of parks and recreational facilities in the city's underserved areas. Staff will play an active role when the guidelines are developed to ensure that the needs of San Jose are protected.

Who are the bill's supporters?

As of August 12, 2008, staff has identified the following supporters of AB 31:

Alianza de los Pueblos del Rio	Councilwoman Leticia Vasquez
American Federation of State, County and Municipal Employees	City of Long Beach
Amigos de los Rios	City of Maywood
Anahuak Youth Soccer Association	City of Oakland
ARTScorpsLA	Coalition for Clean Air
Audubon California	Coalition for a Safe Environment
Ballona Network	Comite Pro Uno
Beverly Vermont Community Land Trust	Communities for a Better Environment
California Association of Local Conservation Corps	Consejo de Federaciones Mexicanas En Norte America
California Council of Land Trusts	County of Los Angeles
California League of Conservation Voters	Cultivating Excellence
California ReLEAF	Defenders of Wildlife
California State Horseman's Association	Del Amo Action Committee
California State Parks Foundation	Eagle Rockdale Community Garden & Art Park
City of Diamond Bar, Mayor Jack Tanaka	Earth Day Los Angeles
City of Dinuba	Eastyard Communities for Environmental Justice
Mayor Terry McKittrick	Environment California
Danny Delgado, Chair,	Fresno Metropolitan Floor Control District Board of Directors
Dinuba Parks & Community Services Commission	Grassroots Coalition
City of Emeryville	Green LA Coalition
City of Glendale, Director George Chapjian, Parks, Recreation and Community Services Department	Heal the Bay
City of Lynwood	Healthy Parks, Healthy Communities
Mayor Louis Byrd	The Trust for Public Land
	Hollywood Chamber of Commerce

Latino Health Access
Latino Urban Forum
League of California Cities
Los Angeles-32 Neighborhood Council
Los Angeles Community Garden Council
Los Angeles Conservation Corps
Los Angeles County Board of Supervisors
Los Angeles Neighborhood Land Trust
Miracle Mile Action Committee
Mujeres de la Tierra
Natural Resources Defense Council
North East Trees
Para los Niños
People for Parks
Physicians for Social Responsibility
Planning and Conservation League

Policy Link
Progressive Christians Uniting
River Project
Saint Andrews Square Neighborhood
Association
Sierra Club
So CA Watershed Alliance
The Audubon Center at Debs Park
The City Project
The Nature Conservancy
The River Project
Trust for Public Land
Urban Semillas
Verde Coalition
William Velezquez Institute

The staff has not seen any opposition to AB 31.

What is the current status of the measure?

AB 31 (De Leon) has been approved by the legislature and is awaiting the Governor's signature.