

Senate Bill No. 1367

CHAPTER 738

An act to amend Sections 32642, 32643, and 32656.1 of, and to add Chapter 4.5 (commencing with Section 32659) to Division 22.9 of the Public Resources Code, relating to the San Diego River Conservancy.

[Approved by Governor September 23, 2018. Filed with
Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1367, Atkins. San Diego River Conservancy: San Diego Rivers Watershed Consortium Program.

Existing law establishes the San Diego River Conservancy to acquire and direct the management of specified public lands in the San Diego River area, as defined, and prescribes the management, powers, and duties of the conservancy. Existing law establishes the San Diego River Conservancy Fund, and requires that moneys in the fund be available, upon appropriation, for the purposes of the conservancy.

This bill would require the conservancy to establish the San Diego Rivers Watershed Consortium Program to create advisory panels to work cooperatively with local public agencies and other entities to identify potential project funding, including grant funding, to be used to restore the watersheds of the Otay River, the Sweetwater River, and the parts of the Tijuana River within the state, and to improve access to public lands. The bill would require the conservancy, in administering the program, to create 3 advisory panels representing watersheds within the area, comprised of specified members, to offer advice, expertise, support, and service to the conservancy in those respective watershed areas. The bill would create the San Diego Rivers Watershed Consortium Program Account in the fund, and would authorize the conservancy, upon appropriation, to expend moneys from the account for purposes of the program.

Existing law, on or before January 1, 2017, and on or before January 1 of every odd-numbered year thereafter, requires the conservancy to prepare and submit to the Governor and the Legislature a report that includes specified information and recommendations relating to projects funded or undertaken by the conservancy, as provided.

This bill would additionally require that the report include a summary of the program established by the bill.

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

SECTION 1. Section 32642 of the Public Resources Code is amended to read:

32642. The conservancy may do any of the following to assist in the decisionmaking process for the purposes of this division:

- (a) Establish advisory boards, panels, or committees.
- (b) Engage in public outreach.

SEC. 2. Section 32643 of the Public Resources Code is amended to read:

32643. The conservancy may do any of the following to provide necessary services:

- (a) Select and hire private consultants or contractors.
- (b) Enter into memorandums of understanding with state and local public agencies, and other entities and organizations.
- (c) Enter into a joint powers agreement pursuant to the Joint Exercise of Powers Act, as described in Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

SEC. 3. Section 32656.1 of the Public Resources Code is amended to read:

32656.1. (a) On or before January 1, 2017, and on or before January 1 of every odd-numbered year thereafter, the conservancy shall prepare and submit to the Governor and the Legislature a report that includes all of the following:

- (1) A description of, and the amount of money expended for, every project funded or undertaken by the conservancy, directly or by an entity under the direction of the conservancy, during the two years prior to the date of the report.
 - (2) A description of the progress made in accomplishing the purposes of this division during the two years prior to the date of the report.
 - (3) Recommendations regarding legislative action that may be necessary to provide funding or other resources to enable the conservancy to more effectively and efficiently carry out its mission, goals, and objectives.
 - (4) A summary of the program established in Chapter 4.5 (commencing with Section 32659).
- (b) The report shall be submitted to the Legislature in the manner provided in Section 9795 of the Government Code.

SEC. 4. Chapter 4.5 (commencing with Section 32659) is added to Division 22.9 of the Public Resources Code, to read:

CHAPTER 4.5. SAN DIEGO RIVERS WATERSHED CONSORTIUM

32659. The Legislature finds and declares all of the following:

- (a) The San Diego Rivers Watershed Consortium Program will establish advisory panels for the designated watersheds of the Otay River, the Sweetwater River, and part of the Tijuana River in southern San Diego County.

(b) The San Diego region is home to one of the fastest growing populations in the nation, which is expected to grow from its current 3,300,000 people to 4,000,000 people by 2050.

(c) Residents in the southern region of San Diego County do not all have direct access to green space and public lands. Park poor communities are highly concentrated south of the San Diego River watershed. One benefit of living in the San Diego region is year-round access to the outdoors and the ability to improve the health and well-being of the general public by improving public access to public lands.

(d) The watersheds of the Otay River, Sweetwater River, and Tijuana River are extraordinary natural resources of statewide significance that have been subject to intense development and are in need of conservation, restoration, protection, including protection of sensitive species, improved water quality, and improved overall health of the ecosystems of the individual watersheds.

(e) The establishment of the program will enable the state to bring together multiple stakeholders to assess the needs of each watershed's ecosystem and collaborate on watershedwide programs that conserve, restore, and protect natural, historical and cultural resources, wildlife, water quality, and natural floodwater conveyance, and that enhance the overall health of each watershed for beneficial uses, including public enjoyment of recreation and education.

(f) The state has an interest in working with organizations to protect, enhance, and restore the natural, historical, cultural, educational, and recreational resources in rivers and watersheds located in the southern region of the County of San Diego.

(g) The intent of the program is to protect and preserve the health of the watershed for each river within the consortium including streams, rivers, wetlands, estuaries, and the diverse natural habitats that are home to plants and animals and that provide educational and recreational opportunities for the public to steward the region's globally unique and diverse plants and wildlife for future generations to enjoy.

32659.1. The following terms have the following meanings:

(a) "Account" means the San Diego Rivers Watershed Consortium Account established in the San Diego River Conservancy Fund pursuant to subdivision (a) of Section 32659.8.

(b) "Consortium watershed area" means lands located within the watersheds of the Otay River, the Sweetwater River, and the parts of the Tijuana River within the state, from the headwaters of each river to the Pacific Ocean.

(c) "Program" means the San Diego Rivers Watershed Consortium Program established pursuant to this chapter.

32659.2. The conservancy shall establish the San Diego Rivers Watershed Consortium Program to create advisory panels to work cooperatively with local public agencies and other entities to identify potential project funding, including grant funding, to be used to restore the consortium watershed area and to improve public access to public lands.

32659.3. (a) The conservancy shall create an advisory panel for each watershed to offer advice, expertise, support, or service to each watershed without compensation in accordance with the following requirements:

(1) The conservancy shall solicit the names of persons to serve as members of each panel from organizations and entities representing watersheds in the consortium watershed area, and those persons shall be appointed to serve on the panel representing the area in which the organization or entity is located.

(2) The members of the advisory panels shall serve on a voluntary basis and without reimbursement from the conservancy.

(3) Each member of an advisory panel shall serve for a two-year term.

(4) A member's service as a member of an advisory panel shall end at the time that person ceases to be employed by, or serve as a representative of, the appointing organization.

(5) Advisory panels shall meet at least twice each calendar year at one or more locations within the County of San Diego.

(6) Meetings of the advisory panels shall be open to the public and subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(b) In appointing members and facilitating the work of the advisory panels, the conservancy shall be subject to all laws, regulations, and general and specific plans of the legislative body of the city or county with geographic jurisdiction over the specified watershed areas.

(c) The conservancy shall prepare an annual report on the status of the meetings of the advisory panels, which shall be included in the executive officer of the conservancy's report to the governing board.

32659.4. The conservancy shall establish the following advisory panels:

(a) The Otay River Watershed Advisory Panel, comprised of the following members:

(1) A conservancy board member or his or her designee.

(2) A representative of the City of Chula Vista, appointed by its city council.

(3) A representative of the City of Imperial Beach, appointed by its city council.

(4) A representative of the City of National City, appointed by its city council.

(5) A representative of the City of San Diego, appointed by its city council.

(6) A representative of the County of San Diego, appointed by the Board of Supervisors of San Diego County.

(7) A representative of the San Diego Regional Water Quality Board, appointed by that board.

(8) A representative of the Department of Parks and Recreation, appointed by the Director of Parks and Recreation.

(9) A representative of the Kumeyaay Diegueño Land Conservancy, appointed by that conservancy.

(10) A representative of a university or college in the San Diego area, appointed by the president of the university or college.

(11) A representative of the San Diego Unified Port District, appointed by the governing board of the port district.

(b) The Sweetwater River Watershed Advisory Panel, comprised of the following members:

(1) A conservancy board member or his or her designee.

(2) A representative of the City of La Mesa, appointed by its city council.

(3) A representative of the City of Lemon Grove, appointed by its city council.

(4) A representative of the City of Chula Vista, appointed by its city council.

(5) A representative of the City of San Diego, appointed by its city council.

(6) A representative of the County of San Diego, appointed by the Board of Supervisors of the San Diego County.

(7) A representative of the San Diego Regional Water Quality Control Board, appointed by that board.

(8) A representative of the Department of Parks and Recreation, appointed by the Director of Parks and Recreation.

(9) A representative of the Kumeyaay Diegueño Land Conservancy, appointed by the governing board of that conservancy.

(10) A representative of a university or college in the San Diego area, appointed by the president of the university or college.

(11) A representative of the San Diego Unified Port District, appointed by the governing board of the port district.

(12) A representative of the City of National City, appointed by its city council.

(13) A representative of the Sweetwater Authority, appointed by the authority.

(c) The Tijuana River Watershed Advisory Panel, comprised of the following members:

(1) A conservancy board member, or his or her designee.

(2) A representative of the City of Imperial Beach, appointed by its city council.

(3) A representative of the City of San Diego, appointed by its city council.

(4) A representative of the County of San Diego, appointed by the Board of Supervisors of San Diego County.

(5) A representative of the San Diego Regional Water Quality Control Board, appointed by that board.

(6) A representative of the Department of Parks and Recreation, appointed by the Director of Parks and Recreation.

(7) A representative of the Kumeyaay Diegueño Land Conservancy, appointed by that conservancy.

(8) A representative of a university or college in the San Diego area, appointed by the president of the university or college.

(9) A representative of the San Diego Unified Port District, appointed by the governing board of the port district.

32659.5. The advisory panels appointed pursuant to Section 32659.4 shall each prepare a strategic plan containing all of the following:

(a) A system for prioritizing each designated river watershed that shall give priority to watershedwide projects that create and expand opportunities to protect, enhance, and restore the natural, historical, cultural, educational, and recreational resources of the watershed.

(b) A summary of the policies and priorities for each river watershed.

(c) A description of each watershed identifying underused, existing public open spaces, trails, and other facilities, and recommendations of ways to provide better public use and enjoyment in the designated areas.

(d) A plan for implementing the program in conformance with all related general and specific plans and zoning regulations of the local and regional municipalities within each watershed.

32659.6. The conservancy may do all of the following in implementing the program:

(a) Undertake site improvement projects within the consortium watershed area.

(b) Provide for public access within the consortium watershed area.

(c) Provide for restoration and rehabilitation within the consortium watershed area.

(d) Undertake projects directly and award grants to public agencies, Native American Indian tribes, nonprofit organizations, and joint powers authorities to help achieve the intent of the program.

(e) Upgrade deteriorating facilities and construct new facilities as needed for outdoor recreation, natural education and interpretation, and resource protection within the consortium watershed area.

(f) Provide assistance to each advisory panel established pursuant to this chapter.

32659.7. Notwithstanding any other law, the conservancy shall not take any of the following actions:

(a) Exercise the power of eminent domain.

(b) Manage, regulate, or control the use of any land owned or leased by another public agency, except as provided pursuant to a written agreement with that public agency.

(c) Levy a tax.

(d) Take any action that interferes with, conflicts with, impedes, adversely impacts, or prevents the planning and implementation of projects and programs contained in adopted local or community plans.

32659.8. (a) The San Diego Rivers Watershed Consortium Program Account is hereby created in the San Diego River Conservancy Fund. Moneys in the account shall accrue interest and be available, upon appropriation by the Legislature, to the conservancy for expenditure for the purposes of this chapter.

(b) (1) All funds received pursuant to this chapter shall be deposited in the account.

(2) The conservancy may apply for and accept grants, gifts, donations, subventions, rent, royalties, and other assistance from public and private sources on behalf of the program.

(3) The conservancy may also accept goods or services contributed to it by a public agency, private entity, or person and, upon receipt, may use the goods or services, for program purposes.

32659.9. The conservancy shall administer funds appropriated to it for the program and may expend those funds for grants, goods, services, control and removal of invasive species, capital improvements, support of the program's operations, and to carry out the program's intent and purpose.