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ASSEMBLY BILL

No. 1540

Introduced by Assembly Member Strickland

February 23, 2001

An act to add Section 65566.5 to the Government Code, relating to open-space land.

LEGISLATIVE COUNSEL'S DIGEST

AB 1540, as introduced, Strickland. Open-space lands.

Existing law authorizes counties and cities to contract with land owners to keep lands as open spaces. Existing law also requires that any action by a county or city by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated shall be consistent with the local open-space plan, which is the open-space element of a county or city general plan.

This bill would provide that any action by a county or city to set aside or dedicate open-space land pursuant to any provision of law and to establish any related easement or other benefit shall not become effective until approved by $\frac{2}{3}$ of the voters voting on the issue in the county or city in which the land is situated.

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 65566.5 is added to the Government
- 2 Code, to read:
- 3 65566.5. Any action by a county or city to set aside or dedicate
- 4 open-space land pursuant to Chapter 6.6 (commencing with

1 Section 51070), Chapter 6.7 (commencing with Section 51100),
2 or Chapter 7 (commencing with Section 51200) of Part 1 of
3 Division 1 of Title 5 or any other provision of law and to establish
4 any related easement or other benefit, shall not become effective
5 until approved by two-thirds of the voters voting on the issue in the
6 county or city in which the land is situated.

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May 18, 2001

 **DRAFT**

The Honorable Tony Strickland
California State Assembly
State Capitol, Room 4009
Sacramento, CA 95814

RE: AB 1540 (Strickland) Open Space Lands

(OPPOSE)

Dear Assembly Member Strickland:

The City of Sacramento would be prohibited from expanding many of their programs and facilities that preserve and enhance open space land if AB 1540 passes, and therefore must **oppose your bill, AB 1540** (Strickland).

Open space provides the opportunity for a wide variety of recreational activities for communities and families in a cost-effective manner. The City of Sacramento currently has many open space facilities that are widely used by the communities of Sacramento. AB 1540 will significantly affect the growth of these programs by requiring a stringent approval process for the dedication and acquisition of all new open space land.

How does AB 1540 define "open space?" Is all parkland considered open space? No definition of "open space" is present in AB 1540 and this could have dangerous outcomes if all open land was considered open space. In addition, would the voters now have to approve every new park that comes online? By requiring that 2/3 of the voters in a city or county approve any action to set aside or dedicate open space land, the process for dedication is significantly slowed down and may only be allowed to occur once every two years with the election cycle. If approval is needed outside of the election timeline, a special election would be required. Special elections are extremely costly and time consuming.

AB 1540 creates an impossible task for cities and counties to meet by requiring a 2/3 vote for any acquisition or dedication of open space land and therefore, **the City of Sacramento opposes AB 1540.**

Sincerely,

Steve Cohn
Chair, Law and Legislation Committee
Sacramento City Council

cc: Members, Assembly Local Government Committee
Ken Emanuels