



Midpeninsula Regional  
Open Space District

R-14-57  
Meeting 14-08  
March 12, 2014

## **AGENDA ITEM 4**

### **AGENDA ITEM**

Resolution Supporting Assembly Bill 1799

### **GENERAL MANAGER'S RECOMMENDATION**

A handwritten signature in black ink, appearing to be "GMA".

Adopt the attached Resolution supporting Assembly Bill 1799, which would make substantive improvements to the Planning and Zoning Law and eliminate an overly burdensome requirement to government entities or special district while ensuring the long-term stewardship of mitigation lands.

### **SUMMARY**

Assembly Bill 1799 (AB 1799) would make substantive improvements to the Planning and Zoning Law by providing assurances of the commitment and long-term financial resources to government entities or special districts to carry out ongoing stewardship requirements for mitigation lands without burdening these agencies with an endowment requirement.

### **DISCUSSION**

On February 18, 2014, Assembly Member Rich Gordon introduced Assembly Bill 1799, an act to amend Sections 65965 and 65966 of the Government Code relating to the Planning and Zoning Law. AB 1799 is co-authored by Assembly Members Alejo, Campos, and Wieckowski, and Senators Beall and Correa.

AB 1799 would eliminate the requirement of an endowment or other financial mechanism for the long-term stewardship of mitigation lands where a governmental entity or special district (collectively referred to henceforth as "public agency") is the entity required to provide the long-term stewardship, if the public agency provides evidence to the local or state agency who is charged with enforcing the mitigation requirements that the public agency possesses an investment-grade credit rating by a nationally recognized statistical rating organization, and provides either a resolution adopted by the legislative body of the public agency or a contractual agreement with the enforcing local or state agency. AB 1799 replaces an overly restrictive and burdensome requirement that is currently placed on a public agency while still continuing to ensure the long term commitment and financial resources needed for the public agency to carry out the ongoing stewardship of mitigation lands, thus keeping the intent of the original

requirement in place. For these reasons, the General Manager is recommending that the Board adopt the attached Resolution.

**FISCAL IMPACT**

If AB 1799 is passed, the financial burden of setting aside an endowment or other financial mechanism would no longer exist for public agencies such as the District that may enter into long term stewardship agreements with local and state agencies for mitigation lands.

**BOARD COMMITTEE REVIEW**

Board Committee review of this item is not required.

**PUBLIC NOTICE**

Notice has been provided as required by the Brown Act. No additional notice is required.

**CEQA COMPLIANCE**

The proposed action is not a project under the California Environmental Quality Act (CEQA) and no environmental review is required.

**NEXT STEP**

If approved by the Board, the Resolution will be submitted to Assembly Member Rich Gordon's Washington D.C. Office.

Attachment

1. Resolution in Support of Assembly Bill 1799

Prepared and reviewed by:  
Ana Ruiz, Assistant General Manager

**RESOLUTION NO. 14-XX**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT  
IN SUPPORT OF ASSEMBLY BILL 1799**

---

**WHEREAS**, the Board of Directors (Board) of the Midpeninsula Regional Open Space District (District) considers the restoration, enhancement, and stewardship of its open space as a critical core function that is vital to the quality of life of San Francisco residents; and,

**WHEREAS**, Assembly Bill 1799 (AB 1799) was introduced by Assembly Member Rich Gordon on February 18, 2014 to make substantive improvements to the Planning and Zoning Law regarding requirements that demonstrate the long-term financial resources of government entities or special districts for the ongoing stewardship of mitigation lands; and,

**WHEREAS**, AB 1799 would replace an overly restrictive burden placed on a governmental entity or special district to set aside a separate endowment or other financial mechanism specifically for the long-term stewardship of mitigation lands with solid and reliable evidence regarding its financial capability and a written commitment for completion of the mitigation requirements by requiring submittal to the local or state agency that it possesses an investment-grade credit rating, and either a resolution adopted by the legislative body of the governmental entity or special district or a contractual agreement with the local or state agency enforcing the mitigation requirements; and,

**WHEREAS**, the District has a long history of maintaining solid financial resources, a strong financial standing, and a current credit rating of AA from Standard & Poor's and AA+ from Fitch Investor Services; and,

**WHEREAS**, AB 1799 provides assurances for the long-term stewardship of mitigation lands in such a way as to avoid unintentional financial and administrative burdens to government entity and special districts to allow these entities to better serve the public and care for the open space lands; and,

**WHEREAS**, AB 1799 will benefit all current and future San Francisco Bay Peninsula residents who will enjoy improved services from land management agencies through more efficient accountability, including more land protected and restored in perpetuity, and therefore a healthier environment and a higher quality of life;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the Midpeninsula Regional Open Space District supports Assembly Bill 1799.

\* \* \* \* \*