



Midpeninsula Regional
Open Space District

LEGISLATIVE, FUNDING, AND PUBLIC AFFAIRS COMMITTEE

R-18-85
July 17, 2018

AGENDA ITEM 5

AGENDA ITEM

Consideration of District position on AB 2614 (Carrillo): Outdoor experiences: community access program (as Amended July 3, 2018)

GENERAL MANAGER'S RECOMMENDATION *den*

Forward a recommendation to the full Board of Directors for support of AB 2614 (Carrillo) as amended.

SUMMARY

Bill Summary:

AB 2614 (Carrillo) would require the Natural Resources Agency to develop and implement a community access program focused on engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income and disadvantaged communities, to natural or cultural resources, community education programs, or recreational amenities. The bill would authorize the agency to develop a grant program for innovative transportation projects that provide disadvantaged and low-income youth with access to outdoor experiences, as specified.

DISCUSSION

Through its legislative review and tracking program, the Midpeninsula Regional Open Space District (District) has been watching *AB 2614 (Carrillo): Outdoor experiences: community access program: grant program* (Attachment 1). This bill is intended to, through the assistance of the California Natural Resources Agency, help lower the barrier for underserved communities in California to access outdoor education and take part in natural and cultural resource experiences. This is done through a grant program to provide both direct technical assistance and grants for innovative transportation projects. No amount has been specified yet for this grant program and would likely vary from year to year as part of the state budget process.

Local agencies in support of the bill include East Bay Regional Park District, Santa Clara Valley Open Space Authority, and County of Santa Clara (Attachment 2).

The bill has passed out of its house of origin and most recently was reviewed and approved by the Senate Committee on Natural Resources and Water on June 26, 2018. However, amendments were recommended by the Committee and accepted by the author, which better serve the low-income communities located within the District's jurisdiction.

Originally, the bill focused its benefits on “Disadvantaged Communities” defined by California Health and Safety Code (HSC) 39711. Under this definition, which is determined through a California Environmental Protection Agency (CalEPA) analysis of demographic and environmental factors, only four Census tract parcels within the District would have been eligible for funding. However, the accepted amendments now also include eligibility for “Low-Income Communities” defined under California Health and Safety Code 39713. This code utilizes a California Housing and Community Development (HCD) definition based on median income relative to an Area Median Income (AMI). Twenty-three Census tracts are eligible under this definition. Please see Attachment 3 for maps illustrating the difference and the location of eligible areas and Attachment 4 for a comparison of the eligibility definitions.

Consistency with District Legislative Program:

District Priority: Every Kid in a Park Initiative: The District supports national and state efforts to mobilize children and parents to visit and enjoy America’s outdoor spaces to encourage the next generation to discover America’s public lands and waters.

FISCAL IMPACT

There is no fiscal impact associated with this briefing.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. No additional notice is required.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

If approved by LFPAC, AB 2614 (Carrillo) will be presented to the Board for consideration on July 25, 2018.

ATTACHMENTS

Attachment 1 – AB 2614 (Carrillo) (As amended July 3, 2018)

Attachment 2 – AB 2614 Fact Sheet (As Amended July 3, 2018), including list of supporters

Attachment 3 – AB 2614 eligibility comparison

Attachment 4 – Eligibility definition comparison

Responsible Department Head:

Christine Butterfield, Acting Assistant General Manager

Prepared by:

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AMENDED IN SENATE JULY 3, 2018

AMENDED IN ASSEMBLY APRIL 18, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2614

Introduced by Assembly Member Carrillo
(Coauthors: Assembly Members ~~Friedman, Eduardo Garcia, Limón,~~
~~and Gonzalez Fletcher~~) *Gonzalez Fletcher, and Limón*

February 15, 2018

An act to add Chapter 3.4 (commencing with Section 5660) to Division 5 of the Public Resources Code, relating to outdoor experiences.

LEGISLATIVE COUNSEL'S DIGEST

AB 2614, as amended, Carrillo. Outdoor experiences: ~~disadvantaged youth.~~ *community access program: grant program.*

Existing law establishes in state government the Natural Resources Agency, consisting of various departments, including the Department of Parks and Recreation, the California Coastal Commission, and the State Coastal Conservancy.

Existing law, the State Urban Parks and Healthy Communities Act, requires the Director of Parks and Recreation to develop a competitive grant program to assist state parks, specified state conservancies, urbanized and heavily urbanized local agencies, and community-based organizations within those jurisdictions to provide outdoor educational opportunities to children.

This bill would require the Natural Resources Agency to ~~survey school districts, as provided, to identify school districts that offer bus transportation services from a school of the school district to a nonprofit~~

organization that provides services to pupils of that school district. The bill would require the agency, based on the survey, to compile a list of schools within a school district that offer those bus transportation services, as specified. The bill would require the agency, upon request, to provide the list to a nonprofit organization or state agency that provides outdoor experiences to disadvantaged youth. *develop and implement a community access program focused on engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income and disadvantaged communities, to natural or cultural resources, community education programs, or recreational amenities.* The bill would require authorize the agency to develop a grant program for innovative transportation projects that provide disadvantaged and low-income youth with access to outdoor experiences, as specified. The bill would require the agency, before developing guidelines for the grant program, to consult with the Department of Parks and Recreation, the California Coastal Commission, and the State Coastal Conservancy.

~~This bill would make a finding that providing children with access to outdoor experiences increases school performance, builds civic behavior, and improves the overall well-being of California's citizens and communities.~~

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. Chapter 3.4 (commencing with Section 5660) is
2 added to Division 5 of the Public Resources Code, to read:

3

4 CHAPTER 3.4. ENHANCING COMMUNITY ACCESS TO THE
5 OUTDOORS

6

7 5660. (a) The Legislature finds and declares all of the
8 following:

9 (b) Providing children and underserved communities with access
10 to outdoor experiences increases school performance, builds civic
11 behavior, and improves the overall well-being of California's
12 residents and communities.

13 (c) Experiences in natural lands are important to the continuing
14 stewardship of our natural resources.

1 (d) *The mission of the Natural Resources Agency is to restore,*
2 *protect, and manage the state’s natural, historical, and cultural*
3 *resources for current and future generations using creative*
4 *approaches and solutions based on science, collaboration, and*
5 *respect for all of the communities and interests involved.*

6 5660.1. *For purposes of this chapter, the following terms have*
7 *the following meanings:*

8 (a) *“Agency” means the Natural Resources Agency.*

9 (b) *“Disadvantaged communities” means communities identified*
10 *pursuant to Section 39711 of the Health and Safety Code.*

11 (c) *“Low-income communities” has the same meaning as the*
12 *term is defined in Section 39713 of the Health and Safety Code.*

13 5661. (a) *The agency shall develop and implement a*
14 *community access program focused on engagement programs,*
15 *technical assistance, or facilities that maximize safe and equitable*
16 *physical admittance, especially for low-income and disadvantaged*
17 *communities, to natural or cultural resources, community*
18 *education programs, or recreational amenities. Community access*
19 *provided under the program may include any, or any combination,*
20 *including all, of the following components:*

21 (1) *Transportation.*

22 (2) *Physical activity programming.*

23 (3) *Resource interpretation services.*

24 (4) *Multilingual translation services.*

25 (5) *Natural science.*

26 (6) *Workforce development and career pathways.*

27 (7) *Education.*

28 (8) *Communication related to water, parks, climate, coastal*
29 *protection, and other outdoor pursuits.*

30 (b) *In advancing approaches to improve access under the*
31 *program, the agency shall work with all entities that comprise the*
32 *agency under Section 12805 of the Government Code, to ensure*
33 *that community access is prioritized within relevant programs that*
34 *make public lands accessible to the public.*

35 5662. (a) *The agency may, in consultation with the entities*
36 *that comprise the agency under Section 12805 of the Government*
37 *Code, develop a grant program within a state department for*
38 *innovative transportation projects that provide disadvantaged and*
39 *low-income youth with access to outdoor experiences.*

1 (b) Priority for funding under the grant program shall be
 2 provided to a nonprofit organization or state agency to cover the
 3 cost of transportation services from schools, organizations,
 4 institutions, and other locations in furtherance of providing new
 5 and expanded outdoor experiences for disadvantaged and
 6 low-income youth.

7 SECTION 1. Chapter 3.4 (commencing with Section 5660) is
 8 added to Division 5 of the Public Resources Code, to read:

9

10 CHAPTER 3.4. ENHANCING DISADVANTAGED YOUTH ACCESS
 11 TO OUTDOOR EXPERIENCES
 12

13 5660. The Legislature finds and declares that providing children
 14 with access to outdoor experiences increases school performance,
 15 builds civic behavior, and improves the overall well-being of
 16 California's residents and communities. These experiences are
 17 also important to the continuing stewardship of our natural
 18 resources.

19 5660.1. For purposes of this chapter, "agency" means the
 20 Natural Resources Agency.

21 5661. (a) (1) The agency shall survey school districts to
 22 identify school districts that offer bus transportation services from
 23 a school of the school district to a nonprofit organization that
 24 provides services to pupils of that school district.

25 (2) In conducting the survey required pursuant to paragraph (1),
 26 the agency may collaborate with the State Department of
 27 Education, including, but not limited to, the State Department of
 28 Education's California Regional Environmental Education
 29 Community Network program, to assist in the compiling of the
 30 needed information.

31 (b) The agency, based on the information obtained pursuant to
 32 subdivision (a), shall compile a list of schools within a school
 33 district that offer bus transportation services described in
 34 subdivision (a). The list shall include, but not be limited to, the
 35 school district's name, the name and location of the school within
 36 the school district that is providing the bus transportation service,
 37 contact information of the school, and a description of the nonprofit
 38 organization's general cost for bus transportation from that school,
 39 including whether the transportation service is provided at the
 40 actual or a reduced cost. The agency, upon request, shall provide

1 the list to a nonprofit organization or state agency that, through a
2 program, provides outdoor experiences to disadvantaged youth.

3 ~~5662. (a) The agency shall develop a grant program for~~
4 ~~innovative transportation projects that provide disadvantaged youth~~
5 ~~with access to outdoor experiences. The program shall include,~~
6 ~~but is not limited to, both of the following:~~

7 ~~(1) Grants that provide funding to a nonprofit organization or~~
8 ~~a state agency to cover the cost of transportation services from a~~
9 ~~school on the list created pursuant to subdivision (b) of Section~~
10 ~~5661 in furtherance of providing new and expanded outdoor~~
11 ~~experiences to disadvantaged youth.~~

12 ~~(2) Grants to provide a rebate to a nonprofit organization or~~
13 ~~state agency to assist the nonprofit organization or state agency in~~
14 ~~purchasing a low-emission bus that is primarily used to provide~~
15 ~~transportation services from a school on the list created pursuant~~
16 ~~to subdivision (b) of Section 5661 in connection with programs~~
17 ~~that provide new and expanded outdoor experiences to~~
18 ~~disadvantaged youth.~~

19 ~~(b) On or before July 1, 2019, the agency shall develop~~
20 ~~guidelines for the grant program described in subdivision (a).~~
21 ~~Before developing the guidelines, the agency shall consult with~~
22 ~~the department, the California Coastal Commission, and the State~~
23 ~~Coastal Conservancy.~~



ASSEMBLY MEMBER
Wendy Carrillo
 DISTRICT 51



Assembly Bill 2614: Enhancing Disadvantaged Youth Access to Outdoor Experiences - Fact Sheet

SUMMARY

This bill would require the Natural Resources Agency to develop a community access program to help Californians, particularly low-income and disadvantaged communities make use of natural or cultural resources, education and recreation.

BACKGROUND AND PROBLEM

Many underprivileged young people in California have little to no access to outdoor experiences. This is especially pervasive in urban areas among communities of color where children have limited means to travel to and from outdoor areas. While these youth often live near parks and beaches, they cannot reach them.

Access to the outdoors has numerous benefits for young people. It provides them with physical activity and promotes health and mental wellness. Additionally, students with access to outdoor experiences generally perform better in school and exhibit higher levels of academic engagement.

From an educational standpoint, providing access to the outdoors can encourage a greater understanding of environmental issues, including natural resources management and environmental justice. Familiarity with these issues also helps engender a sense of civic engagement and pride in one's community.

Numerous worthy non-profit organizations, as well as state agencies, lack the funding and means necessary to serve a broader range of people, particularly where community access is concerned. This is glaringly

obvious with outdoor experiences for low-income and disadvantaged communities.

SOLUTION

This bill would task the Natural Resources Agency with creating a community access program to enable Californians to reach and make use of natural or cultural resources, education and recreation. This will be accomplished by codifying the community access provisions that are eligible for funding from several sources, including but not limited to, the recently-passed Proposition 68, and making the provision of community access a permanent responsibility of the agency.

The bill would also create a grant program that would provide additional monetary support to foster more access to the outdoors and uplift the many young people who are denied these advantageous outdoor experiences.

SUPPORT

Bear Yuba Land Trust
 Big Sur Land Trust
 California Association of Local Conservation Corps
 California Outdoor Recreation Partners
 California Park & Recreation Society
 California State Parks Foundation
 California Tahoe Alliance
 County of Santa Clara
 East Bay Regional Park District
 Eastern Sierra Land Trust
 Environment California
 Latino Outdoors
 Los Angeles River State Park Partners
 Mammoth Lakes Recreation
 Mojave Desert Land Trust

Mountains Recreation & Conservation Authority
Movement Science Sport & Leisure Studies, Westfield
State University
National Interscholastic Cycling Association
Outdoor Afro
Outdoor Industry Association
Placer Land Trust
Santa Clara Valley Open Space Authority
Save the Redwoods League
Sierra Business Council
Sierra Foothill Conservancy
Sierra Nevada Alliance
Sonoma County Agricultural Preservation & Open
Space District
The Trust for Public Land
Truckee Donner Land Trust
Wild Places
Wildlands Conservancy

OPPOSITION

None on file.

STAFF CONTACT

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Comparison of California Health and Safety Code Sections That Pertain to Disadvantaged Communities in AB 2614 (Carrillo)

Across California's governing code, there are several definitions that pertain to populations that are underserved, under-resourced, disadvantaged, at-risk, low-income, etc. Originally, AB 2614 (Carrillo) only referenced HSC 39711, which provided very little eligibility to areas within District boundaries. However, after it was amended on July 3, 2018, the bill now utilizes two definitions – Disadvantaged Communities defined under Health and Safety Code (HSC) Section 39711 and Low-Income Communities defined under HSC 39713. This combined eligibility provides significantly more opportunities to serve constituencies within the District that encounter barriers to access Midpen preserves and other outdoor experiences.

Both definitions can be found here in the California Code:

http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=HSC&division=26.&title=&part=2.&chapter=4.1.&article=

Each definition is intended to focus on a particular characteristic, or set of characteristics, but ultimately they are intended to assist in the identification of areas of a community that is struggling.

DISADVANTAGED COMMUNITIES:

Health and Safety Code (HSC) Section 39711.

(a) The California Environmental Protection Agency shall identify disadvantaged communities for investment opportunities related to this chapter. These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:

(1) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.

(2) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.

(b) The California Environmental Protection Agency shall hold at least one public workshop prior to the identification of disadvantaged communities pursuant to this section.

(c) Chapter 3.5 (commencing with Section 11340) of the Part 1 of Division 3 of Title 2 of the Government Code does not apply to the identification of disadvantaged communities pursuant to this section.

(Amended by Stats. 2014, Ch. 36, Sec. 5. (SB 862) Effective June 20, 2014.)

Analysis

The demographic and environmental analysis to determine Disadvantaged Communities by the California Environmental Protection Agency (CalEPA) is called "CalEnviroScreen." Analysis and map results for CalEnviroScreen 3.0 can be found here: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>

LOW-INCOME COMMUNITIES:

Health and Safety Code (HSC) Section 39713.

(d) (2) “Low-income communities” are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to **Section 50093**.

Health and Safety Code (HSC) Section 50093.

“Persons and families of low or moderate income” means persons and families whose income does not exceed 120 percent of area median income, adjusted for family size by the department in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. However, the agency and the department jointly, or either acting with the concurrence of the Secretary of Business, Consumer Services and Housing, may permit the agency to use higher income limitations in designated geographic areas of the state, upon a determination that 120 percent of the median income in the particular geographic area is too low to qualify a substantial number of persons and families of low or moderate income who can afford rental or home purchase of housing financed pursuant to Part 3 (commencing with Section 50900) without subsidy.

“Persons and families of low or moderate income” includes very low income households, as defined in Section 50105, extremely low income households, as defined in Section 50106, and lower income households as defined in Section 50079.5, and includes persons and families of extremely low income, persons and families of very low income, persons and families of low income, persons and families of moderate income, and middle-income families. As used in this division:

(a) “Persons and families of low income” or “persons of low income” means persons or families who are eligible for financial assistance specifically provided by a governmental agency for the benefit of occupants of housing financed pursuant to this division.

(b) “Persons and families of moderate income” or “middle-income families” means persons and families of low or moderate income whose income exceeds the income limit for lower income households.

(c) “Persons and families of median income” means persons and families whose income does not exceed the area median income, as adjusted by the department for family size in accordance with adjustment factors adopted and amended from time to time by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937.

As used in this section, “area median income” means the median family income of a geographic area of the state, as annually estimated by the United States Department of Housing and Urban Development pursuant to Section 8 of the United States Housing Act of 1937. In the event these federal determinations of area median income are discontinued, the department shall establish and publish as regulations income limits for persons and families of median income for all geographic areas of the state at 100 percent of area median income, and for persons and families of low or moderate income for all geographic areas of the state at 120 percent of area median income. These income limits shall be adjusted for family size and shall be revised annually.

For purposes of this section, the department shall file, with the Office of Administrative Law, any changes in area median income and income limits determined by the United States Department of Housing and Urban Development, together with any consequent changes in other derivative income limits determined by the department pursuant to this section. These filings shall not be subject to Article 5 (commencing with Section 11346) or Article 6 (commencing with Section

Attachment 4

11349) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, but shall be effective upon filing with the Office of Administrative Law and shall be published as soon as possible in the California Regulatory Code Supplement and the California Code of Regulations.

The department shall establish and publish a general definition of income, including inclusions, exclusions, and allowances, for qualifying persons under the income limits of this section and Sections 50079.5, 50105, and 50106 to be used where no other federal or state definitions of income apply. This definition need not be established by regulation.

Nothing in this division shall prevent the agency or the department from adopting separate family size adjustment factors or programmatic definitions of income to qualify households, persons, and families for programs of the agency or department, as the case may be.

(Amended by Stats. 2013, Ch. 352, Sec. 371. (AB 1317) Effective September 26, 2013. Operative July 1, 2013, by Sec. 543 of Ch. 352.)

Analysis

Analysis and mapping results for Low-Income Communities can be found here:

<https://www.arb.ca.gov/cc/capandtrade/auctionproceeds/communityinvestments.htm>