



County of Santa Cruz

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BOARD OF SUPERVISORS

701 OCEAN STREET, SUITE 500, SANTA CRUZ, CA 95060-4069

(831) 454-2200 FAX: (831) 454-3262 TDD: (831) 454-2123

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FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 6/8/99

May 25, 1999

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: ASSEMBLY BILL 1055 - PLAYGROUND EQUIPMENT

Dear Members of the Board:

Attached is a letter from Antonio Villaraigosa, Speaker of the Assembly, requesting our Board's support for Assembly Bill 1055. Existing law requires all public agencies operating playgrounds, including a state agency, city, county, city and county, and district, to upgrade their playgrounds by replacement or improvement, as necessary, by January 1, 2000. Further, the Americans with Disabilities Act requires that public playground facilities be accessible to persons with disabilities. However, there is no statewide, coordinated program to provide schools and other local agencies with the financial assistance necessary to upgrade or replace unsafe playground facilities, which has resulted in some schools being forced to close their playgrounds, with no plans for reopening in the foreseeable future.

AB 1055 would extend to January 1, 2003, the date by which entities, excluding public agencies, operating playgrounds open to the public are required to upgrade their playgrounds by replacement or improvement to satisfy regulations adopted by the State Department of Health Services.

In addition, California is mandated to achieve 50 percent waste diversion by the year 2000 and an 80 percent recycling rate for specified beverage container types. Developing markets for recycled materials is a critical component of compliance with that mandate. Recycled materials, particularly plastics, tires, green materials and metals, that have been remanufactured into new products, can be easily used in the construction of safe playground equipment. To that end, AB 1055 would enact the Playground Safety and Recycling Act of 1999, which would establish, until July 1, 2003, the playground safety and

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May 25, 1999
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recycling grant program to provide grants for the purpose of improving or replacing playgrounds, as defined, to local agencies, if specified conditions for eligibility are met.

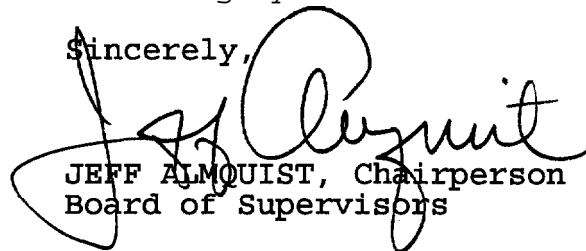
I believe AB 1055 would be of benefit in a number of ways, including:

1. Providing matching grants to local agencies to assist them in meeting state and federal safety and accessibility standards relating to public playgrounds;
2. Coordinating the expenditure of state funds for public playground repairs;
3. Avoiding the closure of public playgrounds;
4. Ensuring that public playgrounds meet state and federal safety and accessibility requirements; and
5. Improving the state's business climate by expanding the market for recycled materials.

For these reasons, I recommend that the Board of Supervisors take the following actions:

1. Adopt the attached resolution supporting the passage of Assembly Bill 1055.
2. Direct the Clerk of the Board to distribute the resolution as indicated.
3. Direct the County Administrative Officer to place the Bill in our legislative tracking system.

Sincerely,



JEFF ALQUIST, Chairperson
Board of Supervisors

JA:ted
Attachments

cc: Speaker of the Assembly Antonio Villaraigosa
Assembly Member Fred Keeley
Parks, Open Space and Cultural Services Department

1491A6

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted:

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1055

WHEREAS, Speaker of the Assembly Antonio Villaraigosa has introduced Assembly Bill 1055 into the California State Assembly; and

WHEREAS, existing law requires all public agencies operating playgrounds, including a state agency, city, county, city and county, and district, to upgrade their playgrounds by replacement or improvement, as necessary, by January 1, 2000; and

WHEREAS, there is no statewide, coordinated program to provide schools and other local agencies with the financial assistance necessary to upgrade or replace unsafe playground facilities, which has resulted in some schools being forced to close their playgrounds, with no plans for reopening in the foreseeable future; and

WHEREAS, AB 1055 would extend to January 1, 2003, the date by which entities, excluding public agencies, operating playgrounds open to the public, are required to upgrade their playgrounds by replacement or improvement to satisfy regulations adopted by the State Department of Health Services; and

WHEREAS, California is also is mandated to achieve 50 percent waste diversion by the year 2000 and an 80 percent recycling rate for specified beverage container types; and

WHEREAS, developing markets for recycled materials is a critical component of compliance with that mandate; and

WHEREAS, recycled materials, particularly plastics, tires, green materials and metals, that have been remanufactured into new products, can be easily used in the construction of safe playground equipment; and

WHEREAS, AB 1055 would enact the Playground Safety and Recycling Act of 1999, which would establish, until July 1, 2003, the playground safety and recycling grant program to provide grants for the purpose of improving or replacing playgrounds, as defined, to local agencies, if specified conditions for eligibility are met; and

WHEREAS, Assembly Bill 1055 would be of benefit to schools and local agencies throughout California.

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 1055
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NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of Assembly Bill 1055.

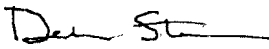
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 1999, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

JEFF ALMQUIST, Chairperson
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: Assembly Speaker Antonio Villaraigosa
Assembly Member Fred Keeley
Assembly Member Peter Frusetta
Senator Bruce McPherson
Parks, Open Space and Cultural Services Dept.
County Counsel

1491A6



ANTONIO R. VILLARAIGOSA
S P E A K E R + - & A S S E M B L Y

May 12, 1999

Jeff Almquist, Chair
Board of Supervisors
701 Ocean Street
Santa Cruz, CA 95060

Dear Mr. Almquist:

Due to numerous requests, I have re-introduced Assembly Bill 1055, which would establish a grant program to provide funds for schools and local agencies to replace or repair unsafe public playgrounds.

In 1990, in response to a dramatic increase in playground-related childhood injuries, a state law was enacted to require all public playgrounds to meet new health and safety standards to be developed by the Department of Health Services (DHS). Additionally, the federal Americans with Disabilities Act require that all public playgrounds be made accessible to the disabled.

Current law gives public agencies until January 1, 2000 to replace or upgrade their playgrounds. If they fail to meet the new standards by that date, they will be liable for any playground-related death or injury.

Finally, state law requires 50 percent waste diversion by the year 2000, and an 80 percent recycling rate for certain beverage containers. Creating a new market for these recyclable materials is critical to meeting these mandated environmental goals.

AB 1055 addresses all of these issues by establishing a matching grant program for public agencies to upgrade their playgrounds and meet the new safety standards recently released by DHS. In order to qualify for a grant, a portion of the playground/equipment must be made of recyclable materials. Additionally, the bill extends from January 2000 to January 2003, the deadline by which public agencies are required to meet the new playground safety standards.

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By working together as advocates for children's safety, we can make a difference!

If you support AB 1055, please send or fax a letter of support to your state Assembly Member and to Assembly Member Howard Wayne, Chair of the Assembly Natural Resources Committee (fax no. 916/319-2178). Letters may be addressed to the State Capitol, Sacramento, CA 95814.

Thank you for your continued interest in assisting schools and public agencies in maintaining safe playgrounds for our children.

Sincerely,

A handwritten signature in black ink, appearing to read 'Antonio R. Villaraigosa', with a long horizontal stroke extending to the right.

ANTONIO R. VILLARAIGOSA
Speaker of the Assembly

ARV:psk:nr

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BILL NUMBER: AB 1055 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY APRIL 26, 1999

INTRODUCED BY Assembly Member Villaraigosa

FEBRUARY 25, 1999

An act to **amend Section 115730 of, and to add and** repeal Article 4 (commencing with Section 115810) of Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public playgrounds, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1055, as amended, Villaraigosa. Playground equipment and facilities ~~grant program safety recycled materials~~

(1) Existing law requires all public agencies operating playgrounds, including a state agency, city, county, city and county, and district, to upgrade their playgrounds by replacement or improvement as necessary to satisfy specified regulations to the extent state funds are make available specifically for the purpose through state bonds or other means. Existing law also requires all other entities operating playgrounds open to the public to upgrade their playgrounds by replacement or improvement, as necessary to satisfy specified regulations, on or before January 1, 2000.

This bill would extend to January 1, 2003, the date on or before which entities, excluding public agencies, operating playgrounds open to the public are required to upgrade their playgrounds by replacement or improvement to satisfy specified regulations.

(2) Existing law requires the State Department of Health Services, in consultation with specified other agencies and entities to adopt regulations for the design, installation, maintenance, inspection, supervision where appropriate, and training of personnel involved in the design, installation, and maintenance, of playgrounds, as described, either operated by public agencies, including state agencies, cities, counties, school districts, and other districts, or operated by any entity where the playground is open to the public.

This bill would enact the Playground Safety and Recycling Act of 1999, which would establish, until July 1, 2003, the playground safety and recycling grant program, administered by the Department of Parks and Recreation, to provide grants for the purpose of improving or replacing playgrounds, as defined, to local agencies, if specified conditions for eligibility are met, including specified requirements that the grant funds will be used for the improvement or replacement of equipment or facilities through the use of recycled materials.

The bill would authorize the Department of Parks and Recreation to adopt emergency regulations, as prescribed, to implement the bill. The bill would be implemented only if funds are appropriated to provide grants pursuant to the bill.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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SECTION 1. The Legislature hereby finds and declares all of the following:

(a) According to the United States Consumer Product Safety Commission, the past two decades have seen a dramatic increase in playground-related injuries to children.

(b) Nationwide, more than 200,000 preschool and elementary aged children a year are treated in hospital emergency rooms for injuries that occurred on playground equipment. This averages to approximately 575 injuries per day or 24 injuries per hour.

(c) Seventy percent of all playground equipment injuries occur on public playgrounds.

(d) Severe injuries, including fractures, internal injuries, concussions, dislocations, amputations, and crushing, account for approximately 36 percent of all playground injuries.

(e) In California, 20,000 children a year are injured on playgrounds. Many of these injuries are fatal.

(f) Statewide, playground injuries are the number one cause of injuries to students ages 5 to 14 in the school environment.

(g) Current law, Chapter 1163 of the Statutes of 1990, requires the State Department of Health Services to develop new safety requirements for public playground facilities, and requires public agencies to upgrade their playground facilities by replacement or improvement to meet these new safety standards by January 1, 2000.

(h) Current federal law, the Americans with Disabilities Act, requires that public playground facilities be accessible to persons with disabilities.

(i) There is no statewide, coordinated program to provide schools and other local agencies with the financial assistance necessary to upgrade or replace unsafe playground facilities.

(j) Already, some schools have been forced to close their playgrounds, with no plans for their reopening in the foreseeable future.

SEC. 2. The Legislature further finds and declares as follows:

(a) California is mandated to achieve 50 percent waste diversion by the year 2000 and an 80 percent recycling rate for specified beverage container types. Developing markets for recycled materials is a critical component of compliance with that mandate.

(b) Recycled materials, particularly plastics, tires, green materials, and metals, that have been remanufactured into new products can be easily used in the construction of safe playground equipment.

(c) Recycled plastics can be used to construct slides, climbers, playstations, picnic tables, park benches, and litter receptacles. Recycled tires can be used for playground surfacing and rubberized asphalt. Recycled metals, such as aluminum, steel, and tin, can be used for playground bracing, posts, and equipment fasteners. Green materials can be made into compost and mulch for surfacing, erosion control, and soil amendments.

SEC. 3. It is the intent of the Legislature in enacting this act to do all of the following:

(a) Provide matching grants to local agencies to assist them in meeting state and federal safety and accessibility standards relating to public playgrounds.

(b) Coordinate the expenditure of state funds for public playground repairs.

(c) Avoid the closure of public playgrounds.

(d) Ensure that public playgrounds meet state and federal safety and accessibility requirements.

(e) Avoid the potential for costly liability suits due to playground injuries suffered by children on facilities operated by local agencies.

(f) Improve the state's business climate by expanding the market for recycled materials, by creating a financial incentive for local agencies to incorporate the use of recycled materials in their playgrounds.

SEC. 4. *Section 115730 of the Health and Safety Code is*

amended to read:

115730. All public agencies operating playgrounds, including a state agency, city, county, city and county, and district, shall upgrade their playgrounds by replacement or improvement as necessary to satisfy the regulations adopted pursuant to Section 115725 to the extent state funds are made available specifically for that purpose through state bonds or other means. All other entities operating playgrounds open to the public shall upgrade their playgrounds by replacement or improvement, **as** necessary to satisfy the regulations adopted pursuant to Section 115725, on or before January 1, ~~2000~~ 2003. This section shall not affect the liability or absence of liability of playground operators.

SEC. 5. Article 4 (commencing with Section 115810) is added to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, to read:

Article 4. Safe Playground Facilities and Recycled Materials

115810. This article shall be known, and may be cited, as the Playground Safety and Recycling Act of 1999.

115811. The playground safety and recycling program is hereby established, to be administered by the Department of Parks and Recreation. The purpose of the program is to prevent childhood injuries on public playgrounds, while developing a market for recycled materials suitable for use in public playgrounds.

115812. As used in this article, "playground" means an improved outdoor area designed, equipped, and set aside for children's play that is not intended for use as an athletic playing field or athletic court, and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation, and related structures.

115813. (a) The Department of Parks and Recreation, in consultation with the State Department of Education, the State Department of Health Services, the Department of Conservation, the California Integrated Waste Management Board, the League of California Cities, the California State Association of Counties, the California Parks and Recreation Society, and other appropriate entities, including, but not limited to, beverage container **recyclers**, waste haulers, special districts, school districts, county superintendents of schools, nonprofit organizations, and private companies, shall develop a program to provide grants to local agencies to upgrade, repair, refurbish, install, or replace public playground facilities and promote the use **of** recycled materials in those playground facilities.

(b) The Department of Parks and Recreation shall administer grants for purposes of this article, which shall be awarded pursuant to a request for application process.

(c) Grants shall be awarded pursuant to this article to local agencies, including, but not limited to, schools, school districts, cities, counties, cities and counties, special districts, and joint ventures between school districts and other local agencies, including, but not limited to, park districts, for the purpose of improving or replacing their public playgrounds.

(d) To be eligible for a grant pursuant to this article, a local agency shall do both of the following:

(1) Demonstrate its ability to provide a 50 percent match, either through public or private funds or in-kind contributions. The matching requirement may be reduced to a 25 percent match, either through public or private funds or in-kind contributions, upon a finding by the Superintendent of Public Instruction that the 50 percent matching requirement would impose an extreme financial hardship on the local agency applying for the grant.

(2) Guarantee that 50 percent of the grant funds will be used for the improvement or replacement of playground equipment or facilities through the use of recycled materials.

(e) No grant made pursuant to this article shall exceed the sum of twenty-five thousand dollars (\$25,000) for any one playground.

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115814. (a) The Department of Parks and Recreation may adopt emergency regulations to implement this article in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(b) The adoption of emergency regulations pursuant to this section shall be deemed to be an emergency and considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(c) Emergency regulations adopted pursuant to this section shall be exempt from the review and approval of the Office of Administrative Law.

(d) The emergency regulations shall be submitted to the Office of Administrative Law only for purposes of filing with the Secretary of State and publication in the California Code of Regulations.

115815. The program established by this article shall be implemented by the Department of Parks and Recreation only if funds are appropriated by the Legislature to provide grants pursuant to this article.

115816. This article shall become inoperative on July 1, 2003, and, as of January 1, 2004, is repealed, unless a later enacted statute that becomes effective on or before January 1, 2004, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC 5

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to reduce playground injuries to children, prevent further closures of public playgrounds, and provide funding to ensure that public playgrounds are made safe and accessible to all children. in California at the earliest possible time, it is necessary that this act take effect immediately.