



County of Santa Cruz

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BOARD OF SUPERVISORS

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JANET K. BEAUTZ
FIRST DISTRICT

WALTER J. SYMONS
SECOND DISTRICT

MARDI WORMHOUDT
THIRD DISTRICT

TONY CAMPOS
FOURTH DISTRICT

JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 6/6/00

May 25, 2000

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

RE: BOARD SUPPORT OF ASSEMBLY BILL 2144

Dear Members of the Board:

In the Fourth District's continuing efforts to ensure the provision of a new high school, I am asking that you join with me in support of Assembly Bill 2144, introduced by Assembly Member Fred Keeley. In summary, Assembly Bill 2144 requires that the City of Watsonville, the County of Santa Cruz, and the California Coastal Commission comply with the terms and conditions of the Memorandum of Understanding entered into between the three entities.

As you will recall, on March 10, 2000, this Board agreed to enter into a Memorandum of Understanding (MOU) with the City of Watsonville and the California Coastal Commission. Under the MOU, the City and County would amend the respective General Plans and Local Coastal Plans to provide specified protection for the coastal lands. Both governments would establish requirements that would take a 2/3 vote to amend the plans as they relate to the coastal zone. An integral part of this MOU was this Board's further agreement to enter into an MOU with the City of Watsonville regarding the County achieving a Certified Housing Element. The MOU also provided that the parties will support legislation to allow any person to file suit to enforce the MOU under certain circumstances.

May 22, 2000
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The primary purpose of Assembly Bill 2144 is to provide a means (litigation) to preserve the terms of the MOU in the event any party fails to abide by its provisions. This ability to file suit would only go into effect if, after the City of Watsonville and Santa Cruz County both had certified housing elements in their General Plans, one or the other of those entities took any official action to amend or repeal the 2/3 vote requirement set forth in the MOU for amending the respective General or Local Coastal Plans. The intent is that the parties to the MOU freely choose to abide by the provisions of the MOU, and that Assembly Bill 2144 will never need to become operative. Thus, Assembly Bill 2144 provides for an enforcement mechanism that is held in reserve.

Accordingly, I recommend that the Board of Supervisors take the following actions:

1. Adopt the attached resolution in support of Assembly Bill 2144.
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 yours,



TONY CAMPOS, Supervisor
Fourth District

TC:lg
Attachments

cc: Speaker Pro Tern Fred Keeley
City of Watsonville
California Coastal Commission
Susan Mauriello, County Administrative Officer

1325P4

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 2144

WHEREAS, the City of Watsonville continues to experience levels of unemployment that are greater than surrounding communities, and is undertaking extensive efforts to increase employment opportunities and improve educational opportunities for a growing and diversifying population; and

WHEREAS, the County of Santa Cruz contains some of the most productive agricultural lands in California, and some of the most significant wetlands and other important environmental resources; and

WHEREAS, the City of Watsonville, the County of Santa Cruz, and the California Coastal Commission have voluntarily agreed to enter into a Memorandum of Understanding (MOU), relating to both of the following:

- (1) The preservation of agricultural lands, wetlands, environmentally sensitive habitat areas, and other undeveloped lands westerly of the county's incorporated boundaries and within the coastal zone; and
- (2) The development of a high school on property commonly known as the Edwards Property within the westerly incorporated boundaries of the city; and

WHEREAS, existing law requires cities and counties to prepare and adopt general plans which must include a housing element that addresses existing and projected housing needs; and

WHEREAS, the primary purpose of Assembly Bill 2144 is to provide a means (litigation) to preserve the terms of the MOU in the event any party fails to abide by its provisions, and this ability to sue would only go into effect if, after the City of Watsonville and Santa Cruz County both had certified housing elements in their general plans, one or the other of those entities took any official action to amend or repeal the 2/3 vote requirement set forth in the MOU for amending their general or local coastal plans; and

WHEREAS, the intent of Assembly Bill 2144 is that the parties to the MOU freely choose to abide by the provisions of the MOU, and that said bill will never need to become operative; and

RESOLUTION SUPPORTING THE PASSAGE OF ASSEMBLY BILL 2144
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WHEREAS, the passage of Assembly Bill 2144 would be of benefit to the residents of Santa Cruz County.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby endorses the passage of Assembly Bill 2144.

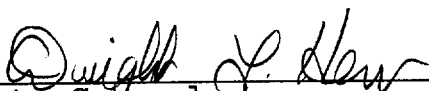
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2000, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

MARDI WORMHOUDT, Chair
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: Speaker Pro Tern Fred Keeley
Assembly Member Peter Frusetta
Senator Bruce McPherson
City of Watsonville
California Coastal Commission
County Counsel
County Administrative Officer

1325P4

BILL NUMBER: AB 2144 AMENDED
BILL TEXT

0139

AMENDED IN ASSEMBLY APRIL 26, 2000

INTRODUCED BY Assembly Member Keeley

FEBRUARY 23, 2000

~~An act to add Section 4529.1 to the Government Code, relating to public contracts.~~ An act relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 2144, as amended, Keeley. ~~Public contracts, professional services~~ Land use .

Existing law contains numerous provisions relating to the regulation of land use.

This bill would require the City of Watsonville, the County of Santa Cruz, and the California Coastal Commission to comply with the terms and conditions of the Memorandum of Understanding entered into between those 3 entities and dated - -

~~Existing law establishes procedures for awarding public contracts involving architectural, landscape architectural, engineering, environmental, and land surveying services.~~

~~This bill would provide that the procedures applicable to public contracts for those professional services do not apply in any circumstance where their application would result in a loss of federal funding. By changing the procedures applicable to contracting by local entities, this bill imposes a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee:
~~yes~~ no . State-mandated local program:
~~yes~~ no .

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

~~SECTION 1. Section 4529.1 is added to the Government Code, to read:~~

~~4529.1. This chapter shall not be applied in a circumstance in which that application would result in a loss of federal funding to any public entity.~~

~~SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7~~

~~(commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.~~

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

(a) The City of Watsonville continues to experience levels of unemployment that are greater than surrounding communities, and is undertaking extensive efforts to increase employment opportunities and **improve** educational opportunities for a growing and diversifying population.

(b) The County of Santa Cruz contains some of the most productive agricultural lands in California, and some of the most significant wetlands and other important environmental resources.

(c) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission have voluntarily entered into a Memorandum of Understanding, dated _____ relating to both of the following:

(1) The preservation of agricultural lands, wetlands, environmentally sensitive habitat areas, and other undeveloped lands westerly of the city's incorporated boundaries and within the coastal zone.

(2) The development of a high school on property commonly known as the Edwards Property within the westerly incorporated boundaries of the city.

(d) The Memorandum of Understanding by and between these governmental entities provides for a series of actions to be taken by each entity that will place policies in the city's and county's local ordinances and local coastal plans that will have the effect of deterring future annexations or other nonagricultural development westerly of the city's incorporated boundaries.

(e) In signing the Memorandum of Understanding, each governmental entity retains all of its independent authorities and powers, while also agreeing to adhere to the terms and conditions of the Memorandum of Understanding.

(f) The Memorandum of Understanding contains provisions for amending the Memorandum of Understanding, and by signing the Memorandum of Understanding, the parties agree to adhere to the procedures contained therein for any such amendments.

(g) The Memorandum of Understanding provides that the city shall require a super-majority of city council members to amend certain local coastal plan and general plan provisions related to the Memorandum of Understanding and that the county shall require a supermajority of members of the board of supervisors to amend local coastal plan and general plan provisions related to the Memorandum of Understanding.

(h) The Memorandum of Understanding specifies that the city and the county will support legislation relative to the Memorandum of Understanding that will permit any person to petition a court of competent jurisdiction to compel the signatory parties to the Memorandum of Understanding to comply with the terms of the Memorandum of Understanding, but that such legislation would not become **operative** unless certain actions have occurred.

SEC. 2. (a) The City of Watsonville, the County of Santa Cruz, and the California Coastal Commission shall comply with the terms and conditions of the Memorandum of Understanding dated _____ including, but not limited to, the procedures for amending the Memorandum of Understanding.

(b) Any person may petition a court of competent jurisdiction to require the City of Watsonville, the County of Santa Cruz, or the California Coastal Commission to comply with the terms of the

Memorandum of *Unders tanding*, including any amendments thereto.

(c) Nothing in this act interferes with the right to pursue any other legal remedy that any person may have under any other provision of law.

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(d) This section shall not be operative until (1) the City of Watsonville and the County of Santa Cruz both have housing elements in their respective general plans certified by the Department of Housing and Community Development and unless (2) either the City of Watsonville or the County of Santa Cruz takes any official action to amend or repeal the super-majority voting requirements as contained in the Memorandum of Understanding.