

Date of Hearing: June 15, 2016

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Susan Talamantes Eggman, Chair

SB 1027 (Nielsen) – As Amended April 6, 2016

SENATE VOTE: 39-0

SUBJECT: Parks: property transfer.

SUMMARY: Authorizes the County of Tehama to transfer Noland Park to the Evergreen Union School District, under specified conditions. Specifically, **this bill:**

- 1) Allows the County of Tehama (County) to transfer to the Evergreen Union School District (District) the Noland Park property, if all of the following conditions are met:
 - a) The County and the district enter into an agreement with the Department of Parks and Recreation that transfers to the District all ongoing obligations of the County relating to the property arising, pursuant to any of the following:
 - i) The State Beach, Park, Recreational and Historical Facilities Bond Act of 1974;
 - ii) The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000;
 - iii) The Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act; and,
 - iv) Any grant agreements entered into, pursuant to the Acts listed above;
 - b) The District ensures that the property is maintained and operated in perpetuity for park purposes; and,
 - c) The recorded instrument transferring title from the county to the District contains an express condition and covenant that the property shall be used in perpetuity as a public park.
- 2) States that the Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable because of the unique circumstances of the County of Tehama due to the location of the Noland Park property in proximity to, and surrounded by, the elementary school operated by the District.

EXISTING LAW:

- 1) Prohibits public entities, as specified in the Public Park Preservation act of 1971, from acquiring parkland for non-park purposes, unless substitute parkland or equivalent compensation is provided.
- 2) Provided, pursuant to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, \$90 million for grants to cities and counties for the acquisition and development of parkland through a grant program administered by the Department of Parks and Recreation.

- 3) Provided, pursuant to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, funds to local governments for the Roberti-Z-berg-Harris Urban Open-Space and Recreation Program.
- 4) Requires, pursuant to the above Acts, that grant recipients agree to use the property only for the purposes for which the grant was made, as specified.

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

- 1) **Bill Summary.** This bill allows the County to transfer property (Noland Park) previously acquired with state bond funds to the District, if all of the following conditions are met:
 - a) The County and the District enter into an agreement with the Department of Parks and Recreation that transfers to the District all ongoing obligations of the County relating to the property arising, pursuant to three specified bond Acts, including any grant agreements;
 - b) The District ensures that the property is maintained and operated in perpetuity for park purposes; and,
 - c) That the recorded instrument transferring title from the County to the District contains an express condition and covenant that the property must be used in perpetuity as a public park.

This bill is co-sponsored by the County of Tehama and the Evergreen Union School District.

- 2) **Background.** Tehama County, in 1979, received a grant of \$29,425 from the 1974 Bond Act to acquire and develop Noland Park. They also received another grant of \$32,000 from the Roberti-Z'berg Harris program to remove and replace outdated playground equipment and make other improvements to other play areas within the park. Noland Park is located directly between the elementary and middle schools for the Evergreen Union School District. In 1993, the County leased the park to the District for 20 years, and required the District to be responsible for all maintenance. The District was responsible for all maintenance and was allowed to make capital improvements to the site, and in return, the District received the first right to use the facilities and schedule activities on the park property. The District has spent more than \$189,000 in improvements and an additional \$152,000 in maintenance over the course of the lease, upgrading the fencing, sprinklers, track, and soccer field. The lease expired in 2013, but has been renewed on an annual basis since the expiration.

In order to transfer the property to the District, the County needs legislative authorization.

- 3) **Author's Statement.** According to the author, "Both the School District and the County have requested this mutually-beneficial transfer. Since 1993, the school district has leased the park and invested over \$360,000 in improvements and maintenance. As they would like to invest in long term capital projects, they have asked that they be given ownership of the property. The County would also like to make the transfer so that they can hand over all relevant obligations to the school district.

"Because Noland Park was developed using state funds, the county cannot make the transfer without specific legislative approval."

- 4) **Transfers of Park Property.** The Legislature has allowed several other local governments to transfer park property acquired or developed with state bond funds to other public entities for uses other than parkland on the condition that the cities or entities provide replacement property. Other bills include:
- a) AB 1864 (Matthews), Chapter 1864, Statutes of 2006, allowed the City of Merced to transfer up to three acres of park land to the Merced City School District;
 - b) AB 1457 (Baca), Chapter 852, Statutes of 2006, allowed the City of San Bernardino to transfer up to 12.5 acres of park land to the city's redevelopment agency;
 - c) AB 123 (Nunez), Chapter 260, Statutes of 2007, allowed the City of Huntington Park to transfer parkland to the Los Angeles Unified School District;
 - d) AB 1732 (Hall), Chapter 191, Statutes of 2010, allowed the City of Los Angeles to transfer parkland and facilities to the Los Angeles Unified School District; and,
 - e) SB 829 (Galgiani), Chapter 119, Statutes of 2014, allowed the City of Escalon to sell park facilities after a proposed development did not occur, in order to acquire parkland closer to the City.
- 5) **Arguments in Support.** According to the sponsors, transferring ownership in the property would allow the District to implement long range planning for capital improvements while continuing to allow the public to use the facility as a public park when school is not in session.
- 6) **Arguments in Opposition.** None on file.
- 7) **Double-Referral.** This bill is double-referred to the Water, Parks and Wildlife Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Tehama [SPONSOR]

Evergreen Union School District [SPONSOR]

Opposition

None on file.

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