



*Santa Margarita
Water District*

April 5, 2019

The Honorable Cecilia Aguiar-Curry
California State Assembly
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 1486 (Ting) – Oppose Unless Amended [As Amended March 28, 2019]

Dear Assembly Member Curry:

The organizations listed below regret to inform you that we must oppose Assembly Bill 1486 unless it is amended to address our concerns. AB 1486 would place onerous new requirements on public agencies disposing of surplus land. We represent a broad group of public agencies and organizations that hold property necessary to execute our governmental operations.

AB 1486 expands the types of agencies subject to the Surplus Land Act, by adding sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state to the list of agencies that are mandated to follow certain requirements before disposing of surplus land. AB

1486 also redefines and substantially broadens the term “dispose of” to include the sale, lease, transfer, or other conveyance of surplus land.

The new definition of disposal is problematic for many public agencies that have valid reasons to lease or otherwise protect land they own (for instance, conservation easements may be sold or granted for sensitive species protection or as mitigation, or property held for future facility needs may be leased out until the property is needed). Under AB 1486, attempting to lease land in support of a public agencies’ governmental function would trigger the requirements for the disposal of surplus land. For instance, entering into a long-term agreement or easement for the protection of land would be considered transferring an interest in real property, and therefore would require the public agency to first offer the land for use to schools and affordable housing developers. We ask the author to consider amending the definition of “disposal” in AB 1486 to apply only to the sale of surplus land.

As written, AB 1486 would require public agencies to offer up buffer properties next to wastewater, solid waste facilities, or power plants for affordable housing projects and school construction, which may be incompatible land uses, because the public agency may be leasing those properties for uses compatible with those facilities. We ask the committee to consider amendments that would require public agencies to only offer land for sale that is considered suitable for school facilities or affordable housing, rather than subjecting all land, regardless of its zoning and the appropriateness for school facilities or affordable housing, to the Surplus Land Act.

Finally, AB 1486 would require a local agency prior to participating in any formal or informal negotiations to notice the availability of the property. There may be good reasons for an agency to have informal negotiations, particularly if the disposition is time sensitive. Moreover, informal discussions can give a good sense of potential market value. If the agency complies with the Act by providing notice and negotiation in good faith that should be all that is required.

Recent amendments provide exemptions to the Surplus Land Act, including exemptions for conservation easements, buffer sites, short term or seasonal leases, and other purposes. While these exemptions will help with specific circumstances, providing enough exemptions to cover every possible situation faced by thousands of local agencies is simply not feasible.

While we applaud the author’s intent in expanding opportunities for affordable housing, we respectfully request that the bill be amended to make it workable for all types of public agencies and situations.

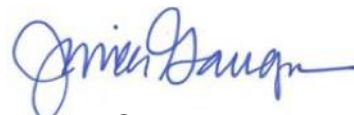
Sincerely,



Amber King
Legislative Advocate
Association of California
Healthcare Districts



Kris Anderson
Legislative Advocate
Association of California Water
Agencies



Jessica Gauger
Director of Legislative Advocacy
California Association of Sanitation
Agencies



Patrick Welch
Legislative Director for Energy



Chris Lee
Legislative Representative



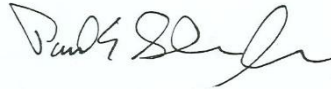
Rylan Gervase
Legislative Representative

California Municipal Utilities
Association



Paul A. Cook
General Manager
Irvine Ranch Water District

California State Association of
Counties



Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

California Special Districts Association



Alicia Dunkin
Legislative Affairs Liason
Orange County Water District



Daniel Ferons
General Manager
Santa Margarita Water District

CC: The Honorable Phillip Ting
Members, Assembly Local Government Committee
Debbie Michel, Chief Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus