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AB-1330 Park property: Ayala Park. (2017-2018)

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Assembly Bill No. 1330

CHAPTER 476

An act relating to park property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 18, 2018. Filed with Secretary of State September 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1330, Reyes. Park property: Ayala Park.

The California Park and Recreational Facilities Act of 1984 authorizes the issuance of bonds for the purpose of providing funds to counties, cities, and districts for the acquisition, development, rehabilitation, or restoration of real property for park, beach, recreational, or historical resources preservation purposes. The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including, but not limited to, using the property only for the purposes for which the grant was made and making no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature.

The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) authorizes the issuance of bonds for the purpose of financing a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources, as specified. The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including, but not limited to, using the property only for the purposes for which the grant was made and making no other use or sale or other disposition of the property, except as authorized by a specific act of the Legislature.

The Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act provides grants to cities, counties, and districts for recreational purposes, open-space purposes, or both, on the basis of population and need. The act requires the property acquired or developed with the grant money to be used by the grant recipient only for the purpose for which the grant moneys were requested and prohibits any other use of the area except by a specific act of the Legislature.

The Community Parklands Act of 1986 authorizes the issuance of bonds for the purpose of financing a grant program to counties, cities, and districts on the basis of their populations, as provided, for neighborhood, community, and regional parks, among other things. The act requires the applicant to agree that the property acquired or developed with these funds be used only for the purposes for which the funds were requested and that no other use of the property be used unless permitted by a specific act of the Legislature.

Existing law generally provides that a recreation and park district may acquire any real or personal property within or outside the district, to hold, manage, occupy, or dispose of, as provided.

This bill would authorize the Bloomington Recreation and Park District to dispose of property used for park purposes at Ayala Park that was acquired with the grant moneys from the above acts, subject to the acquisition of property of equal or greater value, as approved by the Department of Parks and Recreation, and at no cost to the state, as provided.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. It is the intent of the Legislature that the disposition of park property and the acquisition of replacement property of equal or greater recreational value authorized under this act is for the sole purpose of increasing recreational opportunities in the unincorporated community of Bloomington and not to facilitate industrial development.

SEC. 2. (a) Notwithstanding any other law, the Bloomington Recreation and Park District may, pursuant to subdivision (b) of Section 5786.1 of the Public Resources Code, dispose of property used for park purposes at Ayala Park that was acquired with grant moneys received pursuant to the California Park and Recreational Facilities Act of 1984 (Chapter 1.691 (commencing with Section 5096.225) of Division 5 of the Public Resources Code), the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act) (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code), the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act (Chapter 3.2 (commencing with Section 5620) of Division 5 of the Public Resources Code), and the Community Parklands Act of 1986 (Chapter 3.7 (commencing with Section 5700) of Division 5 of the Public Resources Code), subject to the acquisition of property of equal or greater value, as approved by the Department of Parks and Recreation, and at no cost to the state.

(b) Property acquired pursuant to subdivision (a) shall be used for Ayala Park purposes and shall be subject to all applicable requirements of the California Park and Recreational Facilities Act of 1984, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act), the Roberti-Z'berg-Harris Urban Open-Space and Recreation Program Act, and the Community Parklands Act of 1986.

(c) Property acquired pursuant to subdivision (a) shall be acquired prior to disposing of the Ayala Park property described in subdivision (a).

SEC. 3. 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 California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to authorize the granting of property and urgently needed acquisition of property for Ayala Park purposes at the earliest possible time, it is necessary that this act take effect immediately.