

## California Special **Districts Association**





















April 13, 2023

The Honorable Thomas Umberg California State Senate 1021 O Street, Suite 6530 Sacramento, CA 95814

RE: Senate Bill 34 (Umberg) - Oppose Unless Amended [As Amended February 22, 2023]

Dear Senator Umberg:

The statewide associations and individual local agencies listed above must respectfully oppose your Senate Bill 34, unless it is amended to address our concerns discussed below.

SB 34 will amend the Surplus Land Act (SLA) to provide that if the Department of Housing and Community Development (HCD), pursuant to Government Code Section 54230.5, notifies the County of Orange, or any city located within Orange County, that its planned sale or lease of surplus land is in violation of the SLA, certain procedures for addressing the notice of violation must be followed.

As written, the bill may create a concerning precedent for all local agencies statewide. Because SB 34 includes a reference to notices of violation from HCD in connection with a "sale or lease" by a local agency, the bill may establish a statutory precedent that leases are subject to the SLA. Notwithstanding quidelines developed by HCD defining "disposition of surplus land," at this time the term "dispose" is undefined in the SLA, and prior legislative efforts to define "dispose" to include leases were unsuccessful. Removing and excluding the bill's reference to leases would in no way compromise or otherwise impact the ability of this legislation to address a planned sale of surplus land by the County of Orange or any city located within Orange County. However, including any reference to leases in the bill would be inconsistent with the clear, established legislative intent for the meaning of disposal of surplus land that is subject to the requirements of the SLA. We therefore oppose SB 34 unless it is amended to remove its reference to leases and HCD notices of violations in connection with planned leases.

Local agencies routinely enter leases for a variety of purposes that support their work or operations and that do not relate to the purposes of the SLA. Examples include a cell tower lease, a lease to a nonprofit for office space because that nonprofit is partnering with a local government to further a governmental purpose, and a short-term lease of park space.

The clear, established intent of the Legislature is not to apply the requirements of the SLA for surplus land to leases. In 2019, as introduced, AB 1486 (Ting) proposed to define "dispose of" as the "sale, lease, transfer, or other conveyance of any interest in real property owned by a local agency" (emphasis added). A broad local agency coalition opposed this proposed expansion of the meaning of "dispose of," and consequently leases were amended out of the bill before it became law.

For the above reasons, we must respectfully oppose your Senate Bill 34, unless it is amended to address our concerns. We look forward to continuing our dialogue with your office and seeking amendments to resolve our concerns.

Sincerely.

Aaron A. Avery Senior Legislative Representative California Special District Association Dennis P. Cafferty General Manager El Toro Water District

Daniel R. Ferons General Manager Santa Margarita Water District

Mark Menleyer

Mark Neuburger Legislative Advocate California State Association of Counties Mesa Waster District

Paul E. Shoenberger, P.E. General Manager

Paul A. Cook General Manager Irvine Ranch Water District

Robert S. Grantham General Manager Rancho California Water District

Fernando Paludi General Manager Trabuco Canyon Water District Urban Counties of California

Jean Hurst Legislative Representative

Macy Rhine Tracy Rhine

Senior Policy Advocate Rural County Representatives of California

Sarah Bridge Senior Legislative Advocate Association of California Healthcare Districts

Rob Thompson General Manager

**Orange County Sanitation District** 

1112 I Street, Suite 200 Sacramento, CA 95814 Toll-free: 877.924.2732 t: 916.442.7887 f: 916.442.7889 csda.net