

ASSEMBLY BILL

No. 329

**Introduced by Assembly Members DeVore and McCarthy
(Coauthors: Assembly Members Cogdill, Keene, Tran, Walters,
and Wyland)**

February 10, 2005

An act to add Section 5017 to the Public Resources Code, relating to state parks, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 329, as introduced, DeVore. Crystal Cove State Park: El Morro Village Mobilehome Park.

Under existing law, the Department of Parks and Recreation within the Resources Agency administers the operation of state parks in the state.

This bill would prohibit the Department of Parks and Recreation from converting the El Morro Village Mobilehome Park located in Crystal Cove State Park to a recreational vehicle campground and day-use park provided specified conditions are met. Money generated from increased rent and day-use parking fees would be deposited into the Deferred Maintenance Account, which the bill creates, in the State Parks and Recreation Fund, and be continuously appropriated for deferred maintenance of state parks.

The bill would prohibit the Department of Parks and Recreation from allocating money appropriated in the Budget Act of 2004 for the conversion of the El Morro Village Mobilehome Park in Crystal Cove State Park.

The bill would declare that, due to the special circumstances applicable only to the El Morro Village Mobilehome Park in Crystal

Cove State Park, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

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

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

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

3 (a) In 1982, the Department of Parks and Recreation had 235
4 state parks totaling 1.2 million acres and a backlog of ten million
5 eight hundred thousand dollars (\$10,800,000) in deferred
6 maintenance. In 2004, those numbers had risen to 278 parks,
7 totaling 1.5 million acres, with a backlog of four hundred
8 sixty-six million dollars (\$466,000,000) in deferred maintenance.

9 (b) The state budget for California is facing its third straight
10 year of a deficit, with this year’s budget deficit expected to be
11 \$9.1 billion. The state needs all the additional revenue it can find.

12 (c) Evicting the tenants of the El Morro Village Mobilehome
13 Park – as envisioned by the 22-year-old general plan for Crystal
14 Cove State Park that the Department of Parks and Recreation
15 wishes to immediately implement – would cost the state one
16 million two hundred thousand dollars (\$1,200,000) in cash profit
17 annually. The El Morro Village Mobilehome Park conversion
18 will cost the state more than ten million dollars (\$10,000,000).
19 The final phase of the department’s plan also includes
20 construction of a permanent life guard station at the park at a cost
21 of several million dollars.

22 (d) The tenants of the El Morro Village Mobilehome Park are
23 willing to increase the rent they pay to market rates, which would
24 generate a cash profit of at least three million two hundred
25 thousand dollars (\$3,200,000) annually. The tenants are also
26 willing to pay for connecting to a sanitary sewer line.

27 (e) The money generated from an increase in rents should
28 accrue to the Department of Parks and Recreation exclusively in
29 a fund designated for park maintenance, with no prejudice to the

1 department in the Budget Act of 2005 or in following years’
2 budgets by the Department of Finance.

3 (f) If the El Morro Village Mobilehome Park is destroyed, a
4 substantial majority of the displaced residents would be those
5 with low incomes or seniors who, in the current local housing
6 market, would be hard pressed to find adequate housing in an
7 area that has been home to many of them for generations. Low
8 income and senior housing is an urgent priority for this state.

9 (g) The El Morro Village Mobilehome Park is likely the oldest
10 such establishment in Orange County, has been a stabilizing
11 factor in the lives of many families over several generations, and
12 is a candidate for the National Register of Historic Places.

13 (h) If the state implements the 22-year-old conversion plan, it
14 will realize substantially reduced revenues and profits from the
15 recreational vehicle campground and day-use parking it envisions
16 for Crystal Cove State Park, while incurring significant capital
17 construction costs. This would be irresponsible at a time when
18 the state desperately needs every source of revenue it can get.

19 SEC. 2. Section 5017 is added to the Public Resources Code,
20 to read:

21 5017. (a) The Department of Parks and Recreation shall not
22 convert the El Morro Village Mobilehome Park located in
23 Crystal Cove State Park to a recreational vehicle campground
24 and day-use park if all of the following conditions are met:

25 (1) The tenants of the El Morro Village Mobilehome Park pay
26 rent at the market rate, for a period of not less than 10 years and
27 not more than 30 years.

28 (2) Day-use parking, up to 50 spaces, are available within the
29 El Morro Village Mobilehome Park for nonresidents of the
30 mobilehome park.

31 (b) The money generated from the increased rent and fees for
32 day-use parking at the El Morro Village Mobilehome Park
33 located in Crystal Cove State Park shall be deposited into the
34 Deferred Maintenance Account, which is hereby created in the
35 State Parks and Recreation Fund that was established by Section
36 5010. Notwithstanding Section 13340 of the Government Code,
37 money in the account is hereby continuously appropriated to the
38 Department of Parks and Recreation without regard to fiscal
39 years for the purpose of paying for deferred maintenance
40 projects.

1 SEC. 3. Notwithstanding Item 3790-301-0005 of Section 2.00
2 of the Budget Act of 2004, the Department of Parks and
3 Recreation shall not allocate any of the ten million forty-seven
4 thousand dollars (\$10,047,000) appropriated for the conversion
5 of the El Morro Village Mobilehome Park in Crystal Cove State
6 Park (Schedule (1) 90-GI. 101) and the department shall not use
7 those funds for any other purpose.

8 SEC. 4. The Legislature finds and declares that, because of
9 the unique circumstances applicable only to the El Morro Village
10 Mobilehome Park in Crystal Cove State Park, a statute of general
11 applicability cannot be enacted within the meaning of
12 subdivision (b) of Section 16 of Article IV of the California
13 Constitution. Therefore, this special statute is necessary.

14 SEC. 5. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order to prevent the imminent displacement of residents of
19 the El Morro Village Mobilehome Park in Crystal Cove State
20 Park and the destruction of the mobilehome park, it is necessary
21 that this act take effect immediately.