

AMENDED IN SENATE AUGUST 9, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 23, 2010

AMENDED IN SENATE JUNE 15, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2279

Introduced by Assembly Member Evans

(Coauthor: Senator Wiggins)

February 18, 2010

An act to add Section 11011.24 to the Government Code, relating to state property, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2279, as amended, Evans. Surplus state property: County of Napa.

Existing law authorizes the Director of General Services to dispose of state surplus property, subject to specified conditions, including authorization by the Legislature.

This bill would authorize the director to sell or exchange, at fair market value *based upon an appraisal approved by the Department of General Services*, all or part of a specified parcel of state property *only* to the County of Napa upon those terms, conditions, reservations and exceptions the director determines are in the best interest of the state, by January 1, 2015. The bill would require any agreement for the sale or exchange of the property to include a provision that requires the County of Napa to retain title to the property for use as a park or wilderness preserve, or in the event of a future sale of that property by

the county, require the county, by recorded easement, to limit future uses of the property to a park or wilderness preserve. The bill would require that any agreement for the sale or exchange of the property preserve Napa State Hospital’s ownership and use of a specified area known as Camp Coombs. The bill would also require reimbursement of the Department of General Services for any cost or expense incurred in the disposition of the property from the proceeds of the disposition of the property. The bill would require the net proceeds of any moneys received from the disposition of the property to be paid into the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated fund, thereby resulting in an appropriation. The bill would permit the County of Napa to enter an agreement with a nonprofit land trust or nonprofit conservation entity for the purpose of sharing the cost associated with the sale or exchange authorized by this bill, provided all its other requirements are met.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Napa.

Vote: majority. 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) The Camp Coombs property is used for camping activities
- 4 for the nonforensic residents and individuals of Napa State
- 5 Hospital.
- 6 (b) The Camp Coombs property provides a therapeutic and
- 7 natural environment in which the hospital’s residents and
- 8 individuals enjoy barbeques, picnics, nature walks, and gardening
- 9 activities. It is also a vocational worksite where wood from fallen
- 10 trees is harvested and cut into firewood that is auctioned off, with
- 11 the proceeds used to sponsor activities for the hospital’s residents
- 12 and individuals.
- 13 (c) Camp Coombs is an invaluable resource for providing the
- 14 residents and individuals of Napa State Hospital with the ability
- 15 to leave the confines of their living spaces and experience nature.
- 16 In addition, the hospital also makes Camp Coombs and its facilities
- 17 available, free of charge, to other community members such as the
- 18 Boy Scouts and the Girl Scouts. The Napa Valley Office of

1 Education leases and operates a ropes course located at Camp
2 Coombs that is utilized by the Napa School District for its students
3 to provide them with field trip opportunities to use the unique
4 obstacle rope course.

5 (d) The loss of Camp Coombs would have a significant impact
6 on Napa State Hospital's ability to provide treatment to its
7 nonforensic resident population.

8 (e) It is the intention of the County of Napa, in purchasing
9 Skyline Park from the Department of General Services, to ensure
10 that Napa State Hospital maintains ownership and usage of, and
11 access to, the land known as Camp Coombs as part of the Napa
12 State Hospital campus.

13 (f) It is the intent of the Legislature that any final purchase
14 agreement clearly state that the operations and activities at Camp
15 Coombs shall remain unobstructed and unaffected by the sale, and
16 that access to Camp Coombs be preserved through a recorded
17 easement as part of the final sale agreement. It is further the intent
18 of the Legislature that no sale agreement include in the land sold
19 to the County of Napa the land known as Camp Coombs.

20 SEC. 2. Section 11011.24 is added to the Government Code,
21 to read:

22 11011.24. (a) Except as provided in subdivisions (b) to (d),
23 ~~inclusive and (c)~~, the Director of General Services may sell or
24 exchange, *pursuant to Section 11011.1*, at fair market value *based*
25 *upon an appraisal approved by the Department of General*
26 *Services, only* to the County of Napa, upon those terms and
27 conditions and subject to those reservations and exceptions the
28 director determines are in the best interests of the state, all or any
29 part of the following real property, by January 1, 2015, after which
30 date, if not sold or exchanged *to the County of Napa*, the property
31 is no longer surplus *and shall not be available for sale or exchange*:

32 Approximately 850 acres of property, currently leased to or
33 controlled by the County of Napa as part of Skyline Park, located
34 at the Napa State Hospital, 2100 Napa Vallejo Highway, Napa, in
35 the County of Napa.

36 ~~(b) Notwithstanding the terms and conditions negotiated~~
37 ~~pursuant to subdivision (a), in no event may the director sell or~~
38 ~~exchange the property identified in subdivision (a) at a value less~~
39 ~~than fair market value.~~

40 (e)

1 (b) An agreement for the sale or exchange of the property
 2 ~~identified in subdivision (a), pursuant to subdivisions (a) and (b);~~
 3 *identified in, and pursuant to, subdivision (a)*, shall require the
 4 County of Napa to retain title to the entire property sold or
 5 exchanged for use as a park or wilderness preserve, or in the event
 6 of the future sale or exchange of that property by the County of
 7 Napa, shall require the County of Napa, by recorded easement, to
 8 limit future uses of the property to a park or wilderness preserve.

9 ~~(d)~~

10 (c) An agreement for the sale or exchange of the property
 11 ~~identified in subdivision (a), pursuant to subdivisions (a) and (b);~~
 12 *identified in, and pursuant to, subdivision (a)*, shall preserve Napa
 13 State Hospital’s ownership and use of the property known as Camp
 14 Coombs, and Camp Coombs shall not be part of the sale or
 15 exchange of the property. An agreement for the sale or exchange
 16 of the property shall include an easement, that shall be recorded,
 17 that provides Napa State Hospital with access to Camp Coombs.

18 ~~(e)~~

19 (d) The Department of General Services shall be reimbursed
 20 for any cost or expense incurred in the disposition of the property
 21 described in subdivision (a) from the proceeds of the disposition.
 22 The net proceeds of any moneys received from the disposition of
 23 the property shall be paid into the Deficit Recovery Bond
 24 Retirement Sinking Fund Subaccount, as established by subdivision
 25 (f) of Section 20 of Article XVI of the California Constitution.

26 ~~(f)~~

27 (e) The County of Napa may enter into an agreement with a
 28 nonprofit land trust or nonprofit conservation entity for the purpose
 29 of sharing the costs associated with making the sale or exchange
 30 authorized by this section, provided that all the requirements of
 31 this section, including, but not limited to, those of subdivision-~~(e)~~
 32 (b), are met.

33 SEC. 3. The Legislature finds and declares that, because of the
 34 unique circumstances applicable to the County of Napa, a statute
 35 of general applicability cannot be enacted within the meaning of
 36 subdivision (b) of Section 16 of Article IV of the California
 37 Constitution. Therefore, this special statute is necessary.