

## Assembly Bill No. 1366

### CHAPTER 376

An act relating to school facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 8, 2000. Filed with Secretary of State September 11, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1366, Steinberg. School facilities.

Existing law requires that the sale of real property belonging to a school district deemed to be surplus property be in accordance with specified priorities and procedures, including, among other things, that the property must first be offered for sale to a school district, community college district, college or university, county superintendent of schools, county, city, public agency, private nontax exempt agency, private tax exempt agency, and others, as specified. Existing law requires that any agency of the state and any local agency disposing of surplus land send a written offer to sell or lease the property for the purpose of low- and moderate-income housing and for park or recreational purposes, as specified. Existing law requires that if a general plan or part of a general plan has been adopted by a legislative body, no public real property may be disposed of until the planning agency has reported as to the conformity of the disposition with the general plan, as specified.

This bill would exempt the sale of certain real property, commonly known as 520 Capitol Mall, Sacramento, California, by the Sacramento City Unified School District, from these provisions and would set forth the provisions by which the property is to be sold.

This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.

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

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

SECTION 1. Notwithstanding any law to the contrary, the sale of certain real property, commonly known as 520 Capitol Mall, Sacramento, California, by the Sacramento City Unified School District shall be subject solely to the provisions set forth in this act and shall not be subject to the provisions of Article 2 (commencing with Section 17230) of Chapter 1 of Part 10.5 of the Education Code, Chapter 4 (commencing with Section 17385) of Part 10.5 of the



Education Code, Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, or Article 7 (commencing with Section 65400) of Chapter 3 of Division 1 of Title 7 of the Government Code.

SEC. 2. The sale of real property, commonly known as 520 Capitol Mall, Sacramento, California, shall be subject to all of the following procedures:

(a) The Sacramento City Unified School District has solicited offerings in accordance with all of the following:

(1) The notice of the property being offered was published in a newspaper of general circulation published in the county in which the district is situated.

(2) A comprehensive offering memorandum and marketing analysis setting forth terms for offers was sent to all respondents as well as targeted potential buyers.

(3) On May 19, 2000, offers were received.

(4) On May 19, 2000, the bids were opened and a highest bidder meeting the terms of the offer was designated.

(b) Before ordering the sale of 520 Capitol Mall, Sacramento, California property to the person or entity designated as the highest bidder by subdivision (a), the governing board of the Sacramento City Unified School District, in a regular open meeting, by a two-thirds vote of its members, shall adopt a resolution declaring its intention to sell 520 Capitol Mall, Sacramento, California. The resolution shall describe the property proposed to be sold in such a manner as to identify it, the activities and procedures to solicit offers set forth in subdivision (a), and shall specify the minimum price and the terms upon which it shall be sold and the commission, or rate thereof, if any, which the board will pay to a licensed real estate broker out of the proceeds. The resolution shall fix a time and place for the receipt of any additional written offers and shall set a time not less than three weeks thereafter for a public meeting of the governing board to be held at its regular place of meeting, at which the superintendent of the Sacramento City Unified School District shall make all of the offers public and shall recommend to the governing board acceptance of the highest offer.

(c) The Sacramento City Unified School District shall comply with Section 17469 of the Education Code for public notice and posting of the adoption of the resolution.

(d) The governing board of the Sacramento City Unified School District at the time and place designated in the resolution described in subdivision (b) shall accept the highest offer as recommended by the superintendent or reject all offers. The final acceptance of the highest offer or rejection of all of the offers may be made at any adjourned session of the same meeting within the 10 days next following.



SEC. 3. The Legislature finds and declares that because of a unique situation existing in the Sacramento Area regarding the sale of real property, commonly known as 520 Capitol Mall, Sacramento, California, by the Sacramento City Unified School District, a general law, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable.

SEC. 4. 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 Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avoid an extended transition period into new facilities that would impair the Sacramento City Unified School District's ability to safely operate its schools, it is necessary that this act take effect immediately.

