

AMENDED IN ASSEMBLY AUGUST 31, 2000
AMENDED IN ASSEMBLY AUGUST 25, 2000
AMENDED IN ASSEMBLY MAY 22, 2000
AMENDED IN ASSEMBLY MAY 10, 2000
AMENDED IN SENATE JANUARY 18, 2000
AMENDED IN SENATE APRIL 27, 1999
AMENDED IN SENATE APRIL 15, 1999
AMENDED IN SENATE MARCH 25, 1999
AMENDED IN SENATE FEBRUARY 25, 1999

SENATE BILL

No. 126

**Introduced by ~~Senator Polanco~~ *Senators Dunn and Polanco*
(*Coauthor: Senator Solis*)
(*Coauthor: Assembly Member Correa*)**

December 22, 1998

~~An act to add Section 1713.5 to the Welfare and Institutions Code, relating to juvenile offenders. An act to add Section 65051 to the Government Code, and to add Section 33492.114 to the Health and Safety Code, relating to community development.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 126, as amended, ~~Polanco~~ *Dunn*. ~~State Incarcerated Youth Ombudsperson~~ *Redevelopment: Tustin Marine Corps Air Station.*

Existing law authorizes a redevelopment project at the Tustin Marine Corps Air Station, and designates the City of Tustin as the local base reuse entity for purposes related to base reuse planning.

This bill would require the City of Tustin, as the local reuse entity, or the Tustin Community Redevelopment Agency, prior to entering into or enforcing any contract regarding the development of, or prior to conveying any property within, the area comprising the air station, to find, based on substantial evidence in the record, that the air station reuse plan include certain conveyances of property to the Santa Ana Unified School District and the Rancho Santiago Community College District. The bill would also require that finding as a condition of entering into or enforcing any contract regarding the development of, or prior to conveying any property within, the area comprising the air station.

~~Existing law requires all powers, duties, and functions pertaining to the care and treatment of wards provided by law, and not specifically assigned to the Youthful Offender Parole Board, to be exercised by the Director of the Youth Authority. Existing law also directs the Board of Corrections to conduct biennial inspections of each jail, juvenile hall, lockup, or special purpose juvenile hall that was used to confine a minor during the preceding calendar year.~~

~~This bill would require the Director of the Youth Authority to employ ombudspersons, with specified authority, to provide assistance to wards and staff of facilities of the Department of the Youth Authority. Among the duties of the ombudspersons would be the dissemination of information, the investigation of complaints, and notification of the outcome of complaints. The bill would provide that a ward or staff member who meets or communicates with an ombudsperson shall not be subject to any penalties or restrictions because of that meeting or communication. This bill would also require the Board of Corrections to report to the Legislature on the feasibility of establishing an ombudsperson program under the board to serve juveniles held in local juvenile halls, camps, and ranches.~~

Vote: majority. Appropriation: no. Fiscal committee: yes *no*. State-mandated local program: no.



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

1 ~~SECTION 1. Section 1713.5 is added to the~~
2 *SECTION 1. Section 65051 is added to the*
3 *Government Code, to read:*
4 *65051. Prior to the Tustin Community*
5 *Redevelopment Agency or the City of Tustin, as the local*
6 *reuse entity responsible for oversight of reuse of the*
7 *Marine Corps Air Station-Tustin, entering into or*
8 *enforcing any contract regarding development of, or*
9 *prior to its entering into or enforcing any agreement to*
10 *convey any property within, the area comprising the*
11 *Marine Corps Air Station-Tustin, excluding contracts and*
12 *conveyances to other public entities, other than South*
13 *County Community College District, designated in the*
14 *City of Tustin Base Reuse Plan, the City of Tustin or the*
15 *Tustin Community Redevelopment Agency shall find,*
16 *based on substantial evidence in the record, that the*
17 *Marine Corps Air Station-Tustin Base Reuse Plan includes*
18 *the property conveyances described below (consistent*
19 *with the objective of the United States Department of*
20 *Education's July 25, 1994, approval of the Santa Ana*
21 *Unified School District's public benefit conveyance*
22 *application, and the United States Department of*
23 *Education's February 3, 1995, approval of the Orange*
24 *County Education Coalition's public benefit conveyance*
25 *application, headed by the Rancho Santiago Community*
26 *College District), by which the Santa Ana Unified School*
27 *District and the Rancho Santiago Community College*
28 *District shall receive, for purposes of constructing and*
29 *operating a K-14 facility, title (a) to the property*
30 *described as that portion of the Marine Corps Air*
31 *Station-Tustin consisting of a 100-acre parcel of partially*
32 *improved land and open space, within the jurisdiction of*
33 *the Santa Ana Unified School District, including, without*
34 *limitation, buildings and improvements numbers 176,*
35 *237, 514, 525, 526, 527, 531, 532, 535, 536, 571, 601, and*
36 *aircraft parking apron No. 4, as described in Exhibit IV.*
37 *C. (2) of the Santa Ana Unified School District's*
38 *application for public benefit conveyance of that*



1 *property, or (b) to a portion of the Marine Corps Air*
2 *Station-Tustin that consists of a portion of land that is also*
3 *acceptable to the Santa Ana Unified School District and*
4 *the Rancho Santiago Community College District and*
5 *that does not include any property designated in the*
6 *Marine Corps Air Station-Tustin Base Reuse Plan for*
7 *another public entity or nonprofit organization not*
8 *referenced in this section, including without limitation*
9 *the County of Orange, the Orange County Sheriff, and*
10 *the Orange County Rescue Mission. The requirements of*
11 *this section shall be deemed satisfied upon the*
12 *conveyance of the above-described property to Santa*
13 *Ana Unified School District and Rancho Santiago*
14 *Community College District. Prior to conveyance of this*
15 *property, the Santa Ana Unified School District and the*
16 *Rancho Santiago Community College District shall agree*
17 *upon a legal description of the property. In the event that*
18 *the above-described property is not conveyed to the*
19 *Santa Ana Unified School District or the Rancho Santiago*
20 *Community College District for any reason at the time*
21 *the City of Tustin or the Tustin Community*
22 *Redevelopment Agency conveys or agrees to convey any*
23 *property at the Marine Corps Air Station-Tustin, the*
24 *governing board of the Santa Ana Unified School District*
25 *or the Rancho Santiago Community College District may*
26 *acquire up to a total of 100 acres of property at Marine*
27 *Corps Air Station-Tustin for classroom facilities.*
28 *Notwithstanding any other provision of law, for purposes*
29 *of Section 1240.640 of the Code of Civil Procedure,*
30 *classroom use by the Santa Ana Unified School District or*
31 *the Rancho Santiago Community College District shall be*
32 *irrebuttably presumed to be a more necessary public use*
33 *than any other use at Marine Corps Air Station-Tustin.*

34 *SEC. 2. Section 33492.114 is added to the Health and*
35 *Safety Code, to read.*

36 *33492.114. Notwithstanding any other provision of*
37 *law, prior to entering into or enforcing any contract*
38 *regarding development of, or prior to conveying any*
39 *property within, the area comprising the Marine Corps*
40 *Air Station-Tustin, excluding contracts and conveyances*



1 to other public entities, other than to South Orange
2 County Community College District designated in the
3 City of Tustin's Base Reuse Plan, the City of Tustin or the
4 Tustin Community Redevelopment Agency shall find,
5 based on substantial evidence in the record, that the
6 Marine Corps Air Station-Tustin Base Reuse Plan includes
7 the property conveyances described below (consistent
8 with the objective of the United States Department of
9 Education's July 25, 1994, approval of the Santa Ana
10 Unified School District's public benefit conveyance
11 application, and the United States Department of
12 Education's February 3, 1995, approval of the Orange
13 County Education Coalition's public benefit conveyance
14 application, headed by the Rancho Santiago Community
15 College District), by which the Santa Ana Unified School
16 District and the Rancho Santiago Community College
17 District shall receive, for purposes of constructing and
18 operating a K-14 facility, title (a) to the property
19 described as that portion of the Marine Corps Air
20 Station-Tustin consisting of a 100-acre parcel of partially
21 improved land and open space, within the jurisdiction of
22 the Santa Ana Unified School District, including, without
23 limitation, buildings and improvements numbers 176,
24 237, 514, 525, 526, 527, 531, 532, 535, 536, 571, 601, and
25 Aircraft Parking Apron No. 4, as described in Exhibit IV.
26 C. (2) of the Santa Ana Unified School District's
27 application for public benefit conveyance of that
28 property, or (b) to a portion of the Marine Corps Air
29 Station-Tustin that consists of a portion of land that is also
30 acceptable to the Santa Ana Unified School District and
31 the Rancho Santiago Community College District and
32 that does not include any property designated in the
33 Marine Corps Air Station-Tustin Base Reuse Plan for
34 another public entity or nonprofit organization not
35 referenced in this section, including without limitation
36 the County of Orange, the Orange County Sheriff, and
37 the Orange County Rescue Mission. The requirements of
38 this section shall be deemed satisfied upon the
39 conveyance of the above-described property to the Santa
40 Ana Unified School District and the Rancho Santiago



1 *Community College District. Prior to conveyance of this*
2 *property, the Santa Ana Unified School District and the*
3 *Rancho Santiago Community College District shall agree*
4 *upon a legal description of the property. In the event that*
5 *the above-described property is not conveyed to the*
6 *Santa Ana Unified School District or the Rancho Santiago*
7 *Community College District for any reason at the time*
8 *the City of Tustin or the Tustin Community*
9 *Redevelopment Agency conveys or agrees to convey any*
10 *property at the Marine Corps Air Station-Tustin, the*
11 *governing board of the Santa Ana Unified School District*
12 *or the Rancho Santiago Community College District may*
13 *acquire up to a total of 100 acres of property at the Marine*
14 *Corps Air Station-Tustin for classroom facilities.*
15 *Notwithstanding any other provision of law, for purposes*
16 *of Section 1240.640 of the Code of Civil Procedure,*
17 *classroom use by the Santa Ana Unified School District or*
18 *the Rancho Santiago Community College District shall be*
19 *irrebuttably presumed to be a more necessary public use*
20 *than any other use at the Marine Corps Air Station-Tustin.*

21 *SEC. 3. The Legislature finds and declares that a*
22 *special law is necessary and that a general law cannot be*
23 *made applicable within the meaning of Section 16 of*
24 *Article IV of the California Constitution because of the*
25 *unique circumstances of the City of Tustin and the Tustin*
26 *Community Redevelopment Agency. The facts*
27 *constituting the special circumstances are:*

28 *The City of Tustin has submitted to the Department of*
29 *the Navy the Marine Corps Air Station-Tustin Base Reuse*
30 *Plan that does not allocate property to the Santa Ana*
31 *Unified School District or to the Rancho Santiago*
32 *Community College District, and has taken the position*
33 *that the Department of Education's approvals of their*
34 *public benefit conveyance requests are invalid.*
35 *Nevertheless, the City of Tustin has allocated property in*
36 *the Marine Corps Air Station-Tustin Base Reuse Plan to*
37 *other school districts whose public benefit conveyances*
38 *were also approved by the Department of Education.*
39 *Regardless of the ultimate validity or invalidity of the*
40 *Department of Education's approvals of the public*



1 *benefit conveyance requests, the reuse of the Marine*
2 *Corps Air Station-Tustin provides a unique opportunity*
3 *to help the Santa Ana Unified School District and the*
4 *Rancho Santiago Community College District address*
5 *conditions of severe overcrowding. Public education is a*
6 *fundamental community need that outweighs the need*
7 *for additional commercial development in the region.*
8 *These unique circumstances require the City of Tustin to*
9 *convey property to the Santa Ana Unified School District*
10 *and the Rancho Santiago Community College District so*
11 *that these legitimate and crucial community needs may*
12 *be met as a result of the closure of the Marine Corps Air*
13 *Station-Tustin.*

14 ~~Welfare and Institutions Code, to read:~~

15 ~~1713.5. (a) The Director of the Youth Authority shall~~
16 ~~employ ombudspersons to provide assistance to wards~~
17 ~~and staff of facilities operated by the Department of the~~
18 ~~Youth Authority.~~

19 ~~(b) The ombudspersons shall be persons of recognized~~
20 ~~judgment, objectivity, and integrity, who are qualified by~~
21 ~~training and experience to analyze problems of~~
22 ~~corrections administration and public policy.~~

23 ~~(c) The ombudsperson shall do the following:~~

24 ~~(1) Disseminate information regarding the rights of~~
25 ~~wards.~~

26 ~~(2) Investigate complaints related to the care,~~
27 ~~placement, and services for wards and attempt to resolve~~
28 ~~those complaints informally.~~

29 ~~(3) Insure that complaints regarding any action by the~~
30 ~~department that is contrary to law or to the department's~~
31 ~~policies and procedures are investigated.~~

32 ~~(4) Report to the director on the nature of complaints~~
33 ~~received, their sources, and the outcome of any~~
34 ~~investigations.~~

35 ~~(5) Notify the person making the complaint the final~~
36 ~~outcome of the complaint or the reason the complaint has~~
37 ~~not been investigated. This paragraph shall not be~~
38 ~~construed to allow the disclosure of confidential~~
39 ~~information as specified in Sections 832.7 and 832.8 of the~~
40 ~~Penal Code.~~



1 ~~(6) Refer criminal complaints to the department's~~
2 ~~internal affairs unit or the local law enforcement agency.~~
3 ~~(d) The ombudspersons shall have authority to do any~~
4 ~~of the following:~~
5 ~~(1) Enter and inspect any Youth Authority facility.~~
6 ~~(2) Meet or communicate with any ward or staff~~
7 ~~member who requests a meeting with an ombudsperson.~~
8 ~~(3) Correspond confidentially with any ward or staff~~
9 ~~member.~~
10 ~~(e) No ward or staff member who meets or~~
11 ~~communicates with an ombudsperson shall be subject to~~
12 ~~any penalties, sanctions, or restrictions because of that~~
13 ~~meeting or communications.~~
14 ~~SEC. 2. The Board of Corrections shall report to the~~
15 ~~Legislature by May 1, 2001, on the feasibility of~~
16 ~~establishing an ombudsperson program under the~~
17 ~~administration of the board to serve juveniles held in local~~
18 ~~justice halls, camps, and ranches. The report shall include,~~
19 ~~but not be limited to, recommendations for the program,~~
20 ~~including staffing, costs, procedures, and goals.~~

