

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez, Chair

AB 1476 (Gray) – As Amended April 5, 2021

Policy Committee: Local Government

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill allows the City of Modesto to dispose of Beard Brook Park property subject to acquisition of replacement park property and certain conditions. Specifically, this bill:

- 1) Allows the City of Modesto to dispose of all or a portion of Beard Brook Park property acquired or developed with grant moneys from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Villaraigosa-Keeley Act).
- 2) Specifies the park property described above may only be disposed of upon the prior or simultaneous acquisition of replacement park property, as approved by the Department of Parks and Recreation (Department), at no cost to the state, and if the following conditions are met:
 - a) The city obtains an independent appraisal of Beard Brook Park and the property to be acquired and submits the appraisals to the Department by January 1, 2022.
 - b) The fair market value of the proposed replacement park property meets specified conditions.
 - c) The Department finds that the recreational value of the replacement park property is equal to or greater than that of Beard Brook Park property.
 - d) The city enters into a written agreement with the Department to transfer all of the city's responsibilities and obligations pursuant to any grant contract applicable to Beard Brook Park to the replacement park in perpetuity.
- 3) Requires replacement park property to be used for the Beard Tuolumne River Park purposes and to be subject to all applicable requirements of the Villaraigosa-Keeley Act.

FISCAL EFFECT:

Negligible state fiscal impact. The bill requires approval of the state Department of Parks and Recreation for the acquisition of new property and specifies there must be no state cost.

COMMENTS:

- 1) **Purpose.** This bill seeks to provide necessary legislative authorization to the City of Modesto to transfer ownership of Beard Brook Park to a private entity in exchange for nearby land of equal value along the Tuolumne River.

According to the author, the existing park is underutilized by the general public and has experienced an increase in criminal activity. The replacement park land will allow the City to build a public bike trail that will increase access to public and outdoor recreational opportunities as well as provide commuting options to downtown Modesto.

- 2) **Background.** State law generally restricts the use of property acquired and developed with state grant funds to the purpose for which the grant funds were originally requested, unless specified prerequisites for a transfer are met and the Legislature grants specific authorization for the transfer.

The Villaraigosa-Keeley Act authorizes the issuance of bonds for the purpose of financing the acquisition, development, improvement, rehabilitation, restoration, enhancement and protection of park, recreational, fish and wildlife, lake, river and other resources. The act prohibits the use of the grant funds unless the applicant has agreed to certain conditions, including using the property only for the purposes for which the grant was made and making no other use or disposition of the property, except as authorized by a specific act of the Legislature.

This bill provides authorization to the City of Modesto for the transfer of the Beard Brook Park property acquired with state grant funds. Since 2016, the Legislature has granted at least three similar authorizations for park land transfers by other local communities.

- 3) **Prior Legislation.** AB 3172 (Gray), of the 2019-2020 Legislative Session, was substantially similar to this bill. AB 3172 was never heard in the Senate Governance and Finance Committee.

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