

City of Brisbane

Agenda Report

DATE: City Council Meeting of January 5, 2017

FROM: Michael H. Roush, City Attorney

SUBJECT: **Resolution No. 2017-01 Agreeing to Comply with the State's Surplus Land Act**

Purpose

In order to comply with the application requirements of the Metropolitan Transportation Commission for grant money for the Crocker Trail Commuter Connectivity Upgrade and the Tunnel Avenue Rehabilitation, the Commission requires the local community applying for the grant adopt a resolution that it will comply with the State's Surplus Land Act, which Act was recently amended to require that any "surplus land" be offered for the purpose of, among other things, affordable housing.

Background

The City Council in November 2016 adopted resolutions of local support to seek grant funding from the Metropolitan Transportation Commission (MTC) under the MTC's One Bay Area Grant Program (OBAG 2). One of MTC's programming policy and project selection criteria is whether the applying agency has formally adopted a resolution that it will comply with the State's Surplus Land Act (the Act).

The Act has been a state law for many years and provides that as to a local agency's "surplus land", as defined in the Act, before such land is disposed, the local agency must send a written offer to sell or lease the property to various entities and organizations for various public purposes. For example, the offer must be sent to any park or recreation department of the county in which the land is located for park and recreational or open space purposes. See Government Code, section 54222. If none of the entities or organizations responds to the offers, then the local agency may dispose of the property as it sees fit.

"Surplus land" means land owned by any local agency that is determined no longer necessary for the agency's use, except property that is being used for the purpose of exchange or is exempt under the Act, such as land that is less than 5000 square feet, less than the minimum legal residential lot size for the jurisdiction in which the land is located or has no record access and is less than 10,000 square feet. Accordingly, land that City may no longer need but is exempt under the Act does not need to be offered to other organizations or entities as set forth above.

Recently, the Act was amended to include that the offer to sell or lease surplus land must also be sent to any "local public entity" within the jurisdiction where the land is located, and to any "housing sponsors", for the purpose of developing low and moderate income housing.

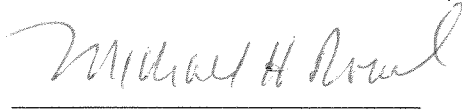
Discussion

Because of MTC's apparent concern about the lack of affordable housing in the Bay Area, it was the recent amendment to the Act that has caused MTC to place a requirement on its grant application process that local agencies must affirmatively agree to comply with the Act, notwithstanding that a general law city, such as Brisbane, is obligated to comply with the Act.

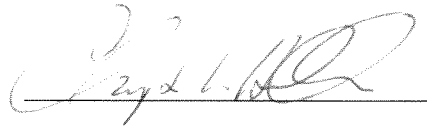
In November 2016, City Council adopted a resolution to seek grant funding from the MTC for two projects, the Crocker Trail Commuter Connectivity Upgrade and the Tunnel Avenue rehabilitation. In order to be eligible for grant funding from MTC under its OBAG 2 program, the City must submit the attached resolution affirmatively agreeing to comply with the State Surplus Land Act.

Fiscal Impact

There is no fiscal impact by the City's adopting the attached resolution. The City could receive up to \$1,061,000 from MTC for these two projects.



Michael H. Roush, City Attorney



Clay Holstine, City Manager

Attachment

1. Resolution Agreeing to Comply with the State's Surplus Land Act

RESOLUTION NO. 2017-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE DEMONSTRATING COMPLIANCE WITH THE STATE OF CALIFORNIA'S SURPLUS LAND ACT

WHEREAS, the State of California's Surplus Land Act, Government Code, section 54220 et seq., provides in part that prior to disposing of surplus land a local agency, such as the City of Brisbane, shall send a written offer to sell or lease the property to any local public entity in whose jurisdiction the property is located and to any housing sponsor, as defined in Health and Safety Code, section 50074, for the purpose of developing low and moderate income housing on such property; and

WHEREAS, by providing such written offers, the City will assist in making land available for the construction of affordable housing; and

WHEREAS, the Metropolitan Transportation Commission (MTC) has adopted a resolution outlining the programming policy and project selection criteria for the One Bay Area Grant Program (OBAG 2), including the requirement that a local agency who applies for grant funding under the OBAG 2 program adopt a resolution demonstrating that it will comply with the State of California's Surplus Land Act; and

WHEREAS, the City of Brisbane is a general law city and complies with the general laws of the State; and

WHEREAS, the City of Brisbane intends to apply to the MTC for grant funding under the OBAG 2 program for two projects, namely the Crocker Trail Commuter Connectivity Upgrade and the Tunnel Avenue Rehabilitation; and

WHEREAS, in the future, the City may apply to the MTC for grant funding under the OBAG 2 program or future OBAG programs for other projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRISBANE AS FOLLOWS:

Section 1. The City of Brisbane shall comply with the terms of the California Surplus Land Act, Government Code, section 54220 et seq, as said Act now exists and as may be amended in the future.

Lori S. Liu
Mayor, City of Brisbane

I, the undersigned, hereby certify that the foregoing Resolution No. 2017-01 was adopted by the City Council of the City of Brisbane at a regular meeting thereof held on the 5th day of January, 2017, by the following vote:

AYES:
NOES:
ABSENT:

Ingrid Padilla
Interim City Clerk