



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 8/14/2020

Agenda Placement: 7B

Napa County Legislative Subcommittee Board Agenda Letter

TO: Napa County Legislative Subcommittee
FROM: Mary Booher for Minh Tran - County Executive Officer
County Executive Office
REPORT BY: Nelson Cortez, STAFF ASSISTANT II - BOS - 7072991478
SUBJECT: AB 240 (Irwin) - Veterans' homes: lease of property.

RECOMMENDATION

County Executive Officer requests discussion and possible action on AB 240 (Irwin) a bill that limits the term of a lease of real property at a California Department of Veterans Affairs (CalVet) Veterans' Home to five years, except under specified conditions; and requires that any use of property by a third party at a Veterans' Home meet specified criteria.

EXECUTIVE SUMMARY

AB 240 by Assembly Member Irwin prohibits a lease of a real property held by CalVet for a home from exceed a term of five years, as specified, and provides that a lease contract with any other party may be granted for a term greater than five years only with approval of the legislature, among other provisions.

The bill has received near unanimous support by the legislature.

The Director of Planning, Building and Environmental Services will be available to answer questions.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION**Synopsis**

Limits the term of a lease of real property at a California Department of Veterans Affairs (CalVet) Veterans' Home to five years, except under specified conditions; and requires that any use of property by a third party at a Veterans' Home meet specified criteria. Specifically, this bill:

Prohibits a lease of a real property held by CalVet for a home from exceeding a term of five years, unless:

- a) The lessee is a town, city, county...
- b) The lessee is a non-profit organization that provides services exclusively for veterans
- c) The contract for the lease with CalVet or DGS was executed before January 1, 2021

Authorizes a lease that was executed before January 1, 2021, to be renegotiated, however, any terms regarding the duration of the renewal of the contract shall not be extended.

Provides that a lease contract with any other party may be granted for a term greater than five years only with approval of the legislature.

Requires that any use, other than an easement, of real property held by CalVet for a home by a person or entity, as specified, must meet requirements, as specified.

Requires that any use, other than an easement, of real property held by CalVet for a home by a person or entity, as specified, be governed by a written agreement between CalVet or DGS and the person or entity using the real property, as specified.

Status

7 – 01 – 20 – Senate Third Reading

Vote History:

7 – 09 – 19 - Senate Governmental Organization (Sen. Dodd, Chair): 15-0

5 – 02 – 19 - Assembly Floor: 79-0 (Consent)

Support and Opposition

CSAC: N/A

RCRC: N/A

NACo: N/A

Local: From the Senate Floor Analysis, page 4 (attached):

The Yountville home has entered into long-term arrangements with the County of Napa and the Town of Yountville that involve mutual provision of services, investment of public funds and operation of facilities that do provide benefits to the home and its members. Specifically, the Town of Yountville has made an investment of more than \$2 million in the update and maintenance of the pool as part of a long-term arrangement with the home that has now been rendered void because the contract was executed without the approval of DGS. In negotiation over a new lease, the Town has balked at the imposition of the five-year limit, stating that its investment and the operating deficit of the pool does not make sense for them to take on with

such short terms.

STAFF COMMENTS

Platform: YES

Federal: n/a

State: Yes – Pages 4, 37

Director of Planning, Building and Environmental Services will be available to answer any questions.

SUPPORTING DOCUMENTS

A . Bill text

B . Senate Floor Analysis

Recommendation: Approve

Reviewed By: Molly Rattigan