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March 23, 2000

Law & Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: State of California Cemetery Legislation –
Senate Bill 1778 (SB 1778) Support Letter

LOCATION AND COUNCIL DISTRICT: Council District 4
Old City Cemetery, 10th and Broadway

RECOMMENDATION:

It is recommended that the Law and Legislation Committee review and recommend for City Council approval the attached proposed letter of support for a California State Legislature bill pertaining to cemeteries, Senate Bill 1778.

CONTACT PERSON: James E. Henley, Manager
History and Science Division, 264-7072

FOR COMMITTEE MEETING OF: April 4, 2000

SUMMARY:

This report provides information on a bill now active before the California State Legislature, Senate Bill 1778 (SB 1778). As this bill pertains to cemeteries, it is therefore of interest to the City Council because its defeat or success in the Legislature will have consequences for the Old City Cemetery.

SB 1778, if passed, would convey to City ownership, a parcel of land located in the Old City Cemetery designated as the State Burial grounds. The bill would also delete a current State requirement that restricts interment on that parcel to the remains of state officers or

members of the Senate or the Assembly and their spouses.

COMMITTEE/COMMISSION ACTION:

None.

BACKGROUND INFORMATION:

The Old City Cemetery is not only an important link to the social and cultural history of the Sacramento area and the State of California, but is also a part of the City's present. Burials still take place in this venerable cemetery and families still visit their loved ones within the cemetery walls.

The City has devoted many hours and dollars to preserving and protecting this valuable resource. The restoration made necessary by the vandalism of the 1990's illuminated the City's commitment to this institution. The ongoing security measures make clear the public's continued interest in the welfare of the Old City Cemetery.

The bill under consideration will permit the City to maintain the Cemetery in a manner consistent with public expectations, and would provide a resource for assistance and guidance without increased cost to the City.

As stated in the attached support letter for SB 1778, the adoption of this bill would permit the City to assume maintenance responsibility for the State Burial grounds parcel, assuring that it is maintained in a condition equal to that of the rest of the cemetery. Additionally, in opening interment to the general public, the City will honor its commitment to equal access and consistent administration of the facility.

FINANCIAL CONSIDERATIONS:

There are no financial consequences anticipated as a result of the passage of this bill. Maintenance to the State Burial Grounds parcel would be absorbed into the ongoing maintenance performed by Cemetery staff, volunteers and Sheriff's Work Crew.

ENVIRONMENTAL CONSIDERATIONS:

The actions recommended in this report are exempt from CEQA review pursuant to Section 15325(e), "Acquisition, sale or other transfer to preserve historical resources."

POLICY CONSIDERATIONS:

In supporting this bill, the City honors its commitment to equal access and efficient

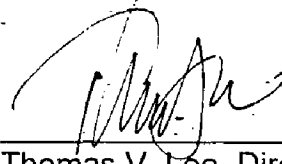
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management of a public facility without increased cost to the City.

ESBD CONSIDERATIONS:

None. No goods or services are being purchased.

Respectfully submitted,



Thomas V. Lee, Director
Downtown Enterprise Department

RECOMMENDATION APPROVED:



Betty Masuoka
Deputy City Manager

c:\cem bill-SB 1778-L&L Rpt.

The Honorable Patrick Johnston
State Capitol Building
Sacramento, CA 95814

SUBJECT: Senate Bill 1778

Dear Senator Johnston:

On behalf of the City of Sacramento, I am writing to express our support of Senate Bill 1778 in its current form.

Existing law authorizes the Director of General Services to convey to the City of Sacramento a parcel of property designated as the State Burial Grounds, subject to the obligation that the city, among other things, only inter the remains of state officers or Members of the Senate or Assembly and their spouses on this parcel.

This bill, if passed, would delete the condition that restricts interment on that parcel to the remains of state officers or Members of the Senate or Assembly and their spouses.

The adoption of this bill would permit the City to assume maintenance responsibility for the parcel, assuring that it is maintained in a condition equal to that the rest of the cemetery. In addition, permitting the interment of the remains of those other than state officers or Members of the Senate or Assembly and their spouses would ensure that this parcel of the historic cemetery grounds would be administered in a manner consistent with that of the remainder of the cemetery, thus honoring the City's commitment to equal access for all.

Thank you for your support for of this measure. We look forward to working with you to ensure passage of this important measure in the Legislature.

BILL NUMBER: SB 1778 INTRODUCED
 BILL TEXT

INTRODUCED BY Senator Johnston

FEBRUARY 23, 2000

An act to amend Section 3 of Chapter 1526 of the Statutes of 1965, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1778, as introduced, Johnston. State property: surplus.

(1) Existing law requires each state agency, on or before December 31 of each year, to make a review of all proprietary state lands, with specified exceptions, over which it has jurisdiction, to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services. Existing law transfers to the department jurisdiction of all land reported as excess. Existing law requires the department, when authority to sell or otherwise dispose of lands declared excess is granted, to sell the land or otherwise dispose of the property pursuant to the authorization, upon any terms and conditions and subject to any reservations and exemptions as the department may deem to be for the best interests of the state.

This bill would authorize the Director of General Services, with the approval of the State Public Works Board, to sell, lease, or transfer for current market value, unspecified parcels. The bill would exempt any sale, exchange, lease or transfer of property described by this bill from the California Environmental Quality Act and would except and reserve to the state specified mineral rights. The bill would require the net proceeds from the disposition of property pursuant to this bill to be deposited in the General Fund, with specified exceptions.

The bill also would rescind the authorization to sell, exchange, or lease unspecified parcels of property.

(2) Existing law authorizes the director to convey to the City of Sacramento a parcel of property designated as the State Burial Grounds subject to the obligation that the city, among other things, only inter the remains of state officers or members of the Senate or Assembly and their spouses.

This bill would delete the condition that restricts interment on that parcel to the remains of state officers or Members of the Senate or Assembly and their spouses.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, may sell, lease, or transfer for current market value only, all or any part of the following property:

- (a) _____.
- (b) _____.

SEC. 2. (a) Notices of every public auction or bid opening shall be posted on the property to be sold under this act and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated.

(b) Any sale, exchange, lease, or transfer of the parcels described in this act is exempt from Division 13 (commencing with Section 21100) of the Public Resources Code.

SEC. 3. (a) The Department of General Services shall be reimbursed for any cost or expense incurred in the disposition of any parcels.

(b) The net proceeds of any moneys received from the disposition of any parcels described in this act shall be deposited in the General Fund and be available for appropriation in accordance with Section 15863 of the Government Code, except the net proceeds received from the disposition of Parcel (____) in Section (____) shall be deposited in the Employment Development Department Building Fund.

SEC. 4. As to any property sold pursuant to this act consisting of 15 acres or less, the Director of General Services shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, below a depth of 500 feet, without surface rights of entry. As to property sold pursuant to this act consisting of more than 15 acres, the Director of General Services shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right to prospect for, mine, and remove the deposits. The rights to prospect for, mine, and remove the deposits shall be limited to those areas of the property conveyed that the director, after consultation with the State Lands Commission, determines to be reasonably necessary for the removal of the deposits.

SEC. 5. The authorization to sell, exchange, or lease the following property is rescinded by Section ____ of this act, as the concerned state agency has reported that the following property is no longer considered surplus:

(a) Parcel ____ of Section ____ of Chapter ____ of the Statutes of

SEC. 6. Section 3 of Chapter 1526 of the Statutes of 1965 is amended to read:

Sec. 3. The Director of General Services is authorized to convey to the City of Sacramento that certain parcel of real property designated as the State Burial Grounds in the City of Sacramento subject to the obligation of the city to maintain in perpetuity the property for cemetery purposes ~~and to only inter in the parcel the remains of state officers or Members of the Senate or Assembly and their spouses~~.