



# Mendocino County

## Legislation Text

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File #: 22-0794, Version: 1

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**To:** Board of Supervisors

**From:** General Services

**Meeting Date:** June 7, 2022

**Department Contact:** Janelle Rau

**Phone:** 707-234-6050

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Authorization of the Transfer of County Real Property (APN 027-061-04) Pursuant to Military and Veterans Code §1262; Approval of Agreement to Transfer of said Property to City of Point Arena, for the Amount of \$1.00 (one dollar); and Authorization for Purchasing Agent or Designee to Sign and Execute Any and All Agreements, Amendments and Other Documents Related to the Transfer of Said Real Property (APN 027-061-04), Including Termination of the Existing Memorandum of Understanding Related to Occupancy of the Property and Entering into a New Memorandum of Understanding With the City

**Recommended Action/Motion:**

Authorize the transfer of County real property (APN 027-061-04); approve Agreement to transfer the property to City of Point Arena, for the amount of \$1.00 (one dollar) pursuant to Military and Veterans Code §1262; authorize Purchasing Agent or designee to sign and execute any and all agreements, amendments, and other documents related to the transfer of said real property (APN 027-061-04); and authorize the Chair to sign same.

**Previous Board/Board Committee Actions:**

On May 20, 2014, the Board directed the General Services Agency to proceed with the transfer of the Point Arena Veteran's Memorial Building to the City of Point Arena. The Board elected to accept the City's offer to purchase the facility for \$1.00 with conditions specifically spelled out. In 2015, the City of Point Arena withdrew its interest in the transfer. In October 2021, the City of Point Arena approached the County expressing their desire to transfer the property. General Services Agency staff received direction from the Board during a closed session meeting on March 28, 2022, to proceed with the transfer of the property to the City of Point Arena.

**Summary of Request:**

Government Code §37461 authorizes a City to "provide and maintain buildings, memorial halls, and meeting places for Veterans' patriotic, fraternal, and benevolent associations". Further, Military and Veterans §1262 states that any county may provide, maintain, or provide and maintain buildings, memorial halls, meeting places, memorial parks, or recreation centers for the use or benefit of one or more veterans associations, veterans service organizations, or nonprofit veteran service agencies. In addition, Military and Veterans §1266 provides that when a city or county has provided for and maintained a building for the benefit of one or more veterans associations, veterans service organizations, or nonprofit veteran service agencies, the provision of

that facility and its acceptance by such organizations constitute a dedication of that property to a public purpose. The dedication cannot be revoked unless the organizations have violated the terms and conditions of the dedication, the city or county has dedicated substitute facilities, the organizations have consented to the city or county action, or have abandoned use of the facilities.

Military and Veterans §1262(h) provides that a county may join with any incorporated city in the county in the accomplishment of the above purposes as set forth in Military and Veterans §1262 and to that end hold jointly with such city all property acquired, and expend money in conjunction with such city in accomplishing the above purposes. Title to any property jointly so acquired by a county and a city may at any time be conveyed by either of the joint owners to the other without consideration other than to carry out the purposes of this section. It is proposed that the grant deed contain a clause specifying that the property be used consistent with the provisions of the Military and Veterans Code. Transfer of a Veterans memorial building in accordance with these provisions is proposed so that the obligation to maintain the building as a veterans memorial building passes from the County to the City.

Based on the above, on March 28, 2022, the Board of Supervisors again authorized the transfer of the aforementioned property, based upon certain conditions as described in the attached Transfer Agreement. Said conditions are as follows:

- Property shall be dedicated to a public purpose and must be maintained and made available for use by veteran's organizations in accordance with Military and Veterans §1266. This provision has been broadened to refer to the entire relevant Code chapter and also refers to this section regarding the dedication of the property to this use.
- County shall be able to continue to use a portion of the property for the Sheriff's substation at no cost to the County. This condition shall be memorialized via a memorandum of understanding between the County and the City to be executed contemporaneously with the property transfer.

City, at its sole expense, may obtain a title report on the property associated with Assessor's Parcel No. 027-061-04.

Based upon the Board's prior direction, and the City meeting the conditions set forth in the transfer agreement, it is requested that the Board of Supervisors authorize the transfer of County real property (APN 027-061-04). The recommended action would authorize the Purchasing Agent to terminate the existing memorandum of understanding for the building and enter into a new memorandum of understanding related to the County's continued occupancy of a portion of the building.

**Alternative Action/Motion:**

Do not provide authorization to Purchasing Agent and or provide additional direction to staff.

**Does This Item Support the General Plan?** N/A

**Supervisory District:** District 5

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** Revenue (\$1.00)

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** Yes

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Deputy Clerk II

Date: June 13, 2022

Final Status: Approved

Executed Item Type: Agreement Number: 22-135

