

ORDINANCE NO. 5087

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING PORTIONS OF CHAPTER 12A, "COUNTY-OWNED PROPERTY," ARTICLE II, SECTIONS 12A-10, 12A10.1, 12A-11, and 12A-11.1, OF THE SANTA BARBARA COUNTY CODE PERTAINING TO THE ADMINISTRATION AND PROCEDURES FOR MANAGING COUNTY-OWNED PROPERTY AND RENEWING DELEGATIONS OF AUTHORITY THEREIN

WHEREAS, California Government Code Section 25350.60 authorizes the Board of Supervisors to adopt an ordinance authorizing a County officer to approve and accept for the County the acquisition of interests in real property; and

WHEREAS, California Government Code Section 25537 authorizes the Board of Supervisors to adopt an ordinance authorizing a County officer to execute certain leases and licenses of property belonging to, leased by, or licensed by the County; and

WHEREAS, authority delegated pursuant to California Government Code Sections 25350.60 and 25537 may not be effective for more than five years; and

WHEREAS, the Board of Supervisors adopted County Ordinance 4895 on September 2, 2014, which granted certain authority pursuant to California Government Code Sections 25350.60 and 25537 and which became effective 30 days after passage and

WHEREAS, the Board of Supervisors desires to renew and adjust the delegations of authority pursuant to California Government Code Sections 25350.60 and 25537; and

NOW, THEREFORE, the Board of Supervisors of the County of Santa Barbara ordains as follows:

County Code Chapter 12A, Article II, Sections 12A-10, 12A-10.1, 12A-11, and 12A11.1, are hereby amended to read as follows:

Sec. 12A-10. Authorization to lease county real property for use by other parties.

In accordance with Government Code section 25537, as it may from time to time be amended, the leasing or licensing to other parties of any real property belonging to the county or leased by, or licensed by the county, for a duration not exceeding ten (10) years and having an estimated monthly rent not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in County Code Section 12A-8. Such a lease or license may be executed by the director of general services, or designee, or the director of public works, or designee, in accordance with the provisions of this section.

Notice of intent to convey such an interest in county-owned or leased or licensed property shall be posted in the office of the clerk of the board of supervisors, and shall be published pursuant to Government Code section 6061. If the lease or license involves residential property, notice shall

also be given to the housing sponsors, as defined by sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and shall state that the director of general services, or designee, or the director of public works, or designee, as applicable, is authorized to execute the lease or license on behalf of the county.

Notice pursuant to this section shall also be mailed or delivered at least fifteen days prior to accepting offers pursuant to this section to any person who has filed a written request for notice with either the clerk of the board or with any other person designated by the board to receive these requests. The county may charge a fee which is reasonably related to the costs of providing this service and may require each request to be renewed annually. The notice shall contain the same information as the notice prescribed above. Notice shall also be provided to the supervisorial district office in which the property is located in accordance with the requirements of Government Code section 25537.

(Ord. No. 4257, § 4)

Sec. 12A-10.1. Authorization to convey easements, licenses and permits to other public agencies to use county real property.

In accordance with Government Code section 25526.6, as it may from time to time be amended, the director of public works or the director of general services, or the designee of either, may grant or otherwise convey an easement, license, or permit for the use of any real property of the county to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions as such director determines or prescribes, provided that such director or designee finds that the proposed conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the county.

(Ord. No. 4257, § 3)

Sec. 12A-11. Authorization to lease real property for use by the county.

In accordance with Government Code section 25350.51, as it may from time to time be amended, the director of general services, or designee, or the director of public works, or designee, may

(a) Lease real property for use by the county, or obtain the use of real property for the county by license, for a term not to exceed five (5) years and for a rental not to exceed seven thousand five hundred dollars (\$7,500) per month; and

(b) Amend real property leases or licenses for improvements or alterations, or both, with a total cost not to exceed seven thousand five hundred dollars (\$7,500) provided that the amendment does not extend the term of the lease or license and that no more than two amendments, not to exceed seven thousand five hundred dollars (\$7,500) each, are made within a twelve-month period.

Notice of intention to consummate the lease or license shall be posted in a public place for five working days prior to consummation of the lease or license. The notice shall describe the

property to be leased or licensed, the terms of the lease or license, and shall state that the director of general services, or designee, or the director of public works, or designee, as applicable, is authorized to execute the lease or license.

(Ord. No. 2505, § 4; Ord. No. 2849, § 2; Ord. No.3548, § 1; Ord. No. 4089, § 1; Ord. No. 4257, § 2)

Sec. 12A-11.1. Authorization to acquire real property interests for the county.

In accordance with Government Code section 25350.60, as it may from time to time be amended, the director of general services, or designee, or the director of public works, or designee, may approve and accept for the county the acquisition of any interest in real property with a total cost not to exceed fifty thousand dollars (\$50,000).

Notice of intent to acquire such an interest in real property shall be provided to the supervisory office of the district in which the property is located, and shall be published pursuant to Government Code section 6061. The notice shall describe the property interest proposed to be acquired, the total purchase price proposed to be paid for the property interest, and shall state that the director of general services or designee, or the director of public works or designee, as applicable, is authorized to approve and accept the property interest on behalf of the county.

The director's or designee's approval and acceptance of the property interest conveyed shall be subject to a general plan conformity report as required by Government Code section 65402, and evidenced by a certificate of acceptance, prepared and executed in accordance with Government Code section 27281. The director of general services, or designee, or the director of public works, or designee, as applicable, shall have authority to execute such a certificate of acceptance. The director, or designee, shall record, or cause to be recorded, the deed or grant conveying the property interest in the office of the county recorder.

This ordinance shall take effect and be in force thirty days from the date of its passage, and before the expiration of fifteen days after its passage it shall be published, with the names of the members of the Board of Supervisors voting for and against the same, in the *Santa Barbara News-Press*, and the *Santa Maria Times*, newspapers of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 20th day of August 2019, by the following vote:

AYES: Supervisor Williams, Hart, Hartmann, Adam, and Lavagnino

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: Sheik daGuerra
Deputy Clerk

Steve Lavagnino
Steve Lavagnino
Chair, Board of Supervisors

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: Scott Greenwood
Scott Greenwood
Deputy County Counsel