

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA AMENDING CHAPTER 12A, "COUNTY-OWNED PROPERTY", ARTICLE I, SECTIONS 12A-1 THROUGH 12A-6, AND ARTICLE II, SECTIONS 12A-7 THROUGH 12A-11.1, OF THE SANTA BARBARA COUNTY CODE PERTAINING TO THE ADMINISTRATION AND PROCEDURES FOR MANAGING COUNTY-OWNED PROPERTY

The Board of Supervisors of the County of Santa Barbara ordains the amendment of Chapter 12A, Article I, Sections 12A-1 through 12A-6, and Article II, Sections 12A-7 through 12A-11.1, to read as follows:

Article I. - In General

Sec. 12A-1. Purpose of regulations; applicability of article.

Sec. 12A-2. Presence of animals restricted.

Sec. 12A-3. Permit for use required; conditions imposed.

Sec. 12A-4. Issuance of permit.

Sec. 12A-5. Possession of permit on premises.

Sec. 12A-6. Overnight occupancy and temporary dwellings prohibited; exceptions.

Sec. 12A-1. Purpose of regulations; applicability of article.

The board of supervisors declares that these regulations relating to the use of county property by individuals, groups and organizations are necessary to promote the orderly use and preservation of public property and facilities for the safety and benefit of the general public. The county property referred to in this article includes all property owned or leased by the county, including but not limited to the Santa Barbara Historic Courthouse property, the County Administration Building properties in Santa Barbara and Santa Maria, the Calle Real Campus property, outlying County departmental offices, road yards and sheriff facilities, and the Veterans Memorial Building properties in Santa Barbara and Lompoc. Notwithstanding this section, public use of county park property shall be governed by the provisions of chapter 26 of this Code. Public use of all county property shall be subject to the provisions of this chapter 12A, and shall be scheduled and coordinated through the county's department of general services except that all county property shall be open to the public during normal business hours for the purpose of conducting county business, subject to reasonable restrictions.

(Ord. No. 1954, § 1)

Sec. 12A-2. Presence of animals restricted.

No person shall bring any animal or permit any animal to be brought onto or to be on the county-owned property identified in section 12A-1 of this Code, except when the presence of such animals is necessary in connection with official business, or has been expressly authorized and permitted pursuant to the provisions of this article. This restriction shall not apply to animals which are confined in an automobile or some other fully enclosed structure, horses or "K-9" dogs used by law enforcement personnel, or to "Service Dogs" assisting individuals with disabilities.

Dogs and other domesticated animals may be permitted on certain county property used for residential or treatment purposes, or otherwise where signs have been posted by the director of general services or their designee expressly permitting their presence.
(Ord. No. 1954, § 2)

Sec. 12A-3. Permit for use required; conditions imposed.

No person, group or organization shall make use of any county property for meetings, conferences, rallies or other similar gatherings or purposes designed or likely to attract large numbers of people, without first obtaining a permit pursuant to this article. Such permit must be obtained through the county's department of general services, office of real estate services, at least two weeks prior to the anticipated date of the event. This section shall not require a permit for impromptu gatherings lasting ninety minutes or less: 1) outside along the west side of the Santa Barbara County Courthouse on Anacapa Street in the City of Santa Barbara; 2) outside on the property of the County Administration Building in the City of Santa Barbara; and 3) outside on the property of the County Administration Building in the City of Santa Maria; but the County retains its full authority to prevent gatherings that become unsafe or otherwise present a public nuisance. The county may impose reasonable conditions upon all such permits, including but not limited to the following:

(a) A deposit in a form approved by county or a bond from a recognized surety company to insure clean-up and restoration of any county property affected. The amount of such deposit or bond shall be determined by the type of event and the number of persons anticipated.

(b) Proof of insurance coverage determined by the county's risk manager to be sufficient to protect the county from liability for personal injury and/or property damage. The type of policy and limits of coverage shall be subject to approval by the county's risk manager.

(c) A security program for the policing of the event, at applicant's cost, determined to be sufficient by the county sheriff or local police department, as applicable. Such program shall include, where applicable, vehicular and pedestrian traffic control, as well as protection for any county property or landscaping, and shall be submitted to the Sheriff, or if the event will take place within an incorporated city, to that city's police department at least ten days prior to the event. This section does not impose any additional obligations on any law enforcement office to undertake public safety precautions beyond its normal scope of responsibilities.

(d) Control and regulation of noise and all sound amplifying devices.
(Ord. No. 1954, § 3)

Sec. 12A-4. Issuance of permit.

Except as otherwise provided in this article, all permits shall be issued and conditions imposed by the county's general services department, office of real estate services, which may consult with other appropriate county and city agencies to determine reasonable conditions. All permits shall be in writing and shall contain a statement of all applicable conditions. Permits authorizing regularly scheduled meetings shall be valid until revoked.

(Ord. No. 1954, § 4)

Sec. 12A-5. Possession of permit on premises.

At all times during the course of the event permitted under this article, a responsible person shall be present on the county property, with a copy of the original permit in his or her possession. The name and contact information for the person responsible for the event shall be provided prior to issuance of the permit.

(Ord. No. 1954, § 5)

Sec. 12A-6. Overnight occupancy and temporary dwellings prohibited; exceptions.

Due to health and safety concerns, no person shall be permitted to remain overnight or to erect or maintain a structure, tent, camper or recreational vehicle for the purpose of remaining overnight on any county property unless pursuant to a valid lease from the county or by specific written permission or authorization from the board of supervisors. The provisions of this section shall not apply to any parks or other facilities where overnight camping is expressly permitted, nor shall it apply to firemen, law enforcement personnel, or other persons whose duties require that they stay overnight on county property.

(Ord. No. 1952 § 1)

Article II. Real Property Procedures

Sec. 12A-7. Purpose and authority of article.

Sec. 12A-8. Procedure for leasing county property.

Sec. 12A-9. Concession and management agreements.

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

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

Sec. 12A-10.2. Authorization to issue permits for use of county highways.

Sec. 12A-10.3. Use of county property to support county programs.

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

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

Sec. 12A-7. Purpose and authority of article.

The purpose of this article is to prescribe certain procedures with regard to real property interests belonging to the county or its dependent special districts, or for use by the county or its dependent special districts, in accordance with provisions of the Government Code. (Ord. No. 2505, § 1; Ord. No. 2849, § 2; Ord. No. 4257, § 1)

Sec. 12A-8. Procedure for leasing county property.

Except as modified by the provisions of this article, the procedure for the leasing of real property belonging to the county contained in sections 25526 to 25535 of the Government Code is hereby adopted and incorporated herein by reference as though set forth in full. (Ord. No. 2505, § 2; Ord. No. 2849, § 2)

Sec. 12A-9. Concession and management agreements.

Notwithstanding any other provision of this article, leases or concession or managerial contracts involving leasing or subleasing all or any part of county-owned, leased, or managed property devoted to or held for ultimate use for airport, vehicle parking, fairground, beach, park, amusement, recreation, or employee cafeteria purposes, entered into by a four fifths vote of the board of supervisors pursuant to section 25536 of the Government Code, need not comply with the provisions of this article. (Ord. No. 2505, § 5; Ord. No. 2849, § 2)

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 the county, for a duration not exceeding five (5) years and having an estimated monthly rent not exceeding seven thousand five hundred dollars (\$7,500), may be excluded from the bidding procedure and 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 property shall be provided to the supervisorial office of the district in which the property is located, 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.

(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 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-10.2. Authorization to issue permits for use of county highways.

In accordance with Streets and Highways Code section 1460, as it may from time to time be amended, the director of public works, or designee, may issue written permits for certain uses of county highways and right of way, as set forth in said section 1460. All permits other than those issued to public agencies or a public utility having lawful authority to occupy county right of way are revocable on five days written notice from the director of public works, or designee. Any person who does any of the acts specified in section 1460, without the authority of such a permit, is guilty of a misdemeanor and is liable to the county for all expenses and damages caused thereby.

Sec. 12A-10.3. Use of county property to support county programs.

In accordance with Government Code section 26227, as it may from time to time be amended, the board of supervisors may make available to a public agency, nonprofit corporation, or nonprofit association any real property of the county which is not and, during the time of possession, will not be needed for county purposes, to be used to carry out programs deemed necessary by the board of supervisors to meet the social needs of the population of the county. The board of supervisors may impose such terms and conditions determined to be in the best interests of the county and the general public through a lease, installment sale, or other transaction with the public agency, nonprofit corporation, or nonprofit association carrying out the program, without complying with any other provisions of this code relating to acquiring, improving, leasing, or granting the use of or otherwise disposing of county property.

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, provided that notice of intent to consummate the lease or license, including a description of the property, the terms of the lease or license, and a statement that the director of general services, or the director of public works, as applicable, is authorized to execute the lease or license, shall be posted in a public place for five working days prior to consummation of the lease or license; 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 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 two thousand five hundred dollars (\$2,500).

Notice of intent to acquire such an interest in real property shall be provided to the supervisorial 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 the director of public works, as applicable, is authorized to approve and accept the property interest on behalf of the county.

The director'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; and the director, or designee, shall record 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 _____ day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

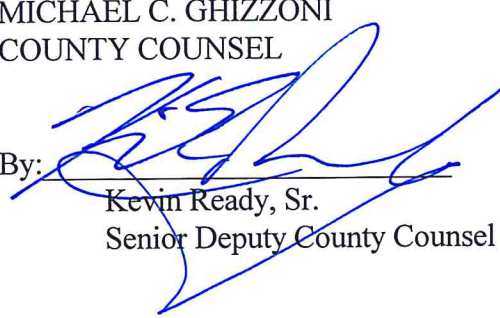
COUNTY OF SANTA BARBARA

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

Steve Lavagnino
Chair, Board of Supervisors

By: _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: 
Kevin Ready, Sr.
Senior Deputy County Counsel