



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services/Public Works
Department No.: 063/054
For Agenda Of: August 26, 2014
Placement: Departmental
Estimated Tme: 30 Minutes
Continued Item: Yes
If Yes, date from: July 1, 2014
Vote Required: Majority

TO: Board of Supervisors
FROM: General Services: Mathew P. Pontes, Director (805) 560-1011
Public Works: Scott D. McGolpin, Director (805) 568-3010
Contact Info: Greg Chanis, Assistant Director, General Services Department, (805) 568-3096
Mark Schleich, Assistant Director, Public Works Department (805) 568-3603
SUBJECT: Ordinance Amending Chapter 12A of the County Code; All Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors:

- A. Consider the introduction (first reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article I, In General, Sections 12A-1 through 12A-6, and Article II, Real Property Procedures, Sections 12A-7 through 12A-11.1, pertaining to the administration and procedures for managing County-owned property; All Supervisorial Districts (estimated time 30 minutes);
- B. Set an Agenda Item for September 2, 2014, on the Administrative Agenda to consider recommendations, as follows:
 - i.) Consider the adoption (second reading) of an Ordinance amending Santa Barbara County Code Chapter 12A, County-Owned Property, Article I, In General, Sections 12A-1 through 12A-6, and Article II, Real Property Procedures, Sections 12A-7 through 12A-11.1, pertaining to the administration and procedures for managing County-owned property; All Supervisorial Districts; and
 - ii.) Read the title of the Ordinance and waive the reading of the Ordinance in full.

Summary Text:

Articles I and II of Chapter 12A of the County Code regulate the use of County property and set forth certain procedures for the acquisition and disposition of various types of interests in real property. Article I regulates the use of certain County-owned properties, and sets out the permit process for use of those properties for special events. Several of the sections in Article II of Chapter 12A are based on various provisions of the California Government Code, and help streamline the acquisition/disposition process by eliminating the need to go to the Board by delegating authority to enter into minor real estate transactions meeting certain criteria. The monetary limits in some of those criteria have changed, and the authority granted by some of those provisions have a limit of 5 years, which has expired since the last time the Board amended this portion of the County Code.

Background:

The General Services Department staff drafted revisions to Chapter 12A to update and clarify certain provisions, and to address, among other things, the increased monetary limits set forth in the relative sections of the California Government Code, and the expired authorization in certain provisions of the current Chapter 12A of the County Code. General Services met with representatives from the Public Works Department to ensure concurrence with the revisions and coordinated with County Counsel on the revised sections.

A brief summary of the issues addressed in Article I, In General, are as follows:

- Sec. 12A-1. - Purpose of regulations; applicability of article.
- Sec. 12A-2. - Presence of animals restricted, except for horses or “K-9” dogs used by law enforcement personnel, or “Service Dogs” assisting individuals with physical disabilities.
- Sec. 12A-3. - Permit for use required; conditions imposed.
- Sec. 12A-4. – Issuance of permit by the General Services Department.
- Sec. 12A-5. – Possession of permit on premises required.
- Sec. 12A-6. - Overnight occupancy and temporary dwellings prohibited; except for parks or other facilities where overnight camping is permitted, or firemen, law enforcement personnel, or other persons whose duties require they stay overnight on county property.

Section 12A-1 is revised to more clearly identify the County properties that are subject to the permit process required for use of those County properties by individuals, groups and organizations; as set forth in Sections 12A-3 through 12A-5. The revisions to Section 12A-2 are intended to clarify the exceptions to the restrictions on animals allowed on the County properties identified in Section 12A-1. The language has also been revised to more appropriately describe “Service Dogs” and the individuals entitled to their use as those with “disabilities”.

The issues addressed in Article II, Real Property Procedures, are as follows:

- Sec. 12A-7. Purpose and authority of article.
- Sec. 12A-8. Procedure for the leasing out of county property follows sections 25526 to 25535 of the California Government Code.
- Sec. 12A-9. Concession and management agreements entered into by a four fifths vote of the board of supervisors pursuant to section 25536 of the Government Code.

- Sec. 12A-10. Authorization to lease county real property for use by other parties: 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 ten (10) years and having an estimated monthly rent not exceeding ten thousand dollars (\$10,000), 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. Notice of intent shall be provided.
- Sec. 12A-10.1. Authorization to convey easements, licenses and permits to other public agencies to use county real property. The Director of Public Works or the Director of General Services, or their designees, 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.
- Sec. 12A-10.2. Authorization to issue permits for use of county highways. The Director of Public Works, or designee, may issue written permits for certain uses of county highways and right of way.
- Sec. 12A-10.3. Use of county property to support county programs. 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.
- Sec. 12A-11. Authorization to lease real property for use by the county. 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 is provided; 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 shall be provided.
- Sec. 12A-11.1. Authorization to acquire real property interests for the county. 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.

Because the adoption of this Ordinance consists of general policy and procedure making, the proposed actions do not constitute a "Project" within the meaning of the California Environmental Quality Act

(CEQA), pursuant to 14 CCR 15378(b) (2), which excludes from the definition of a “Project” certain activities, including “continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, general policy and procedure making.” Therefore, the Board’s proposed action of approving the revisions to County Code Chapter 12A, regulating the use of County real property and setting forth certain procedures for the County’s acquisition and disposition of certain real property rights, which has no possibility of a significant effect on the environment, is not a “project” that requires environmental review under CEQA. A Notice of Exemption for this item was approved by the Board of Supervisors on June 3, 2014, and subsequently filed by staff.

Fiscal and Facilities Impacts:

Budgeted: No (N/A)

Fiscal Analysis:

The Board of Supervisors’ adoption of this Ordinance will have no fiscal or facilities impacts. No funding will be expended in connection with the adoption of this Ordinance except for nominal costs relating to publication of the Ordinance in a newspaper of general circulation.

Special Instructions:

Clerk of the Board to post notices and publish in the *Santa Barbara News-Press* and *Santa Maria Times* pursuant to normal County protocol for this Board action.

After Board action, please distribute as follows:

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| 1. Original Ordinance | Clerk of the Board Files |
| 2. Copy of Ordinance & Minute Order | General Services/Real Property |

Attachments

1. Ordinance
2. Presentation

Authored by:

Don Grady, General Services Dept., Real Property, (805) 568-3065