

June 17, 2014

Clerk of the Board File # 14-00405

Ordinance Amending Santa Barbara County Code Chapter 12A

Redlined Version

Showing Changes Between

New, Proposed Article I and II Provisions

Compared to

Existing Article I & II Provisions

Deleted Language Is ~~Stricken~~

Added Language Is Underlined

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~~ required; conditions imposed.

Sec. 12A-4. —~~Same~~— Issuance of permit.

Sec. 12A-5. —~~Same~~—~~Keeping~~ 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 ~~by the general public and particularly by organized~~ county property by individuals, groups and organizations ~~of the county-owned property described in this section,~~ are necessary ~~for to~~ promote the orderly use and preservation of life, limb and public property, and ~~the orderly use of these public facilities, and to preserve them~~ for the safety and benefit of the general public. The county-owned property referred to in this ~~section is described as the grounds and buildings located in Block 106 (administration and public works building complex), Block 123 (article includes all property owned by the county courthouse complex) and Block 140 (welfare and courthouse annex building complex) in or its dependent special districts, or leased for use by the county or its dependent special districts, except county park property.~~ Public use of county park property shall be governed by the provisions of chapter 26 of this Code. Public use of all other county property shall be subject to the provisions of this chapter 12A, and shall be scheduled and coordinated through the ~~city of Santa Barbara, and county's~~ department of general services, office of real estate services, except that all county property shall be open to the Santa Barbara County Amphitheater and grounds, commonly known as public during normal business hours for the County Bowl (Assessor's Parcel Nos. 29 110 23 and 29 202 04). purpose of conducting county business, subject to reasonable restrictions.

(Ord. No. 1954, § 1)

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

~~No person~~All animals shall ~~bring any animal or permit any animal to be brought onto or to be prohibited~~ on the county-owned property described in section 12A-1 of this Code, except when the presence of such animals is necessary in connection with official business ~~has been expressly authorized and permitted pursuant to the provisions of this article.~~ This prohibition shall not apply to animals which are confined in an automobile or some other fully enclosed structure, and shall not apply to "Seeing Eye" dogs used by persons with impaired vision; nor shall it apply to animal shows and exhibitions expressly permitted under the provisions of this Code. Each of the properties described in section 12A-1 shall be posted with a sign at each of the main entrances to the properties, notifying the public of the provisions of this section. ~~horses or "K-9" dogs used by law enforcement personnel, or to "Service Dogs" assisting individuals with physical disabilities. Dogs and other domesticated animals may be specifically permitted on certain county property used for residential or treatment purposes, or otherwise where signs have been posted expressly permitting their presence.~~

(Ord. No. 1954, § 2)

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

No person ~~and no organized~~, group or organization shall make use of any ~~of the properties described in section 12A-4~~ county property for meetings, conferences, rallies or other similar gatherings or purposes, designed or likely to attract large numbers of people, without first ~~having obtained~~ obtaining a permit ~~therefor, as provided in~~ 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 ~~in question~~. Permits may be issued to authorize the holding of regularly scheduled meetings. ~~Permits authorizing regularly scheduled meetings shall be valid until revoked.~~ The county may impose reasonable conditions upon all such permits, including but not limited to the following:

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

(b) ~~Insurance protecting~~ Proof of insurance coverage determined by the county's risk manager to be sufficient to protect the county ~~against from~~ liability for personal injury or death of persons in amounts up to fifty thousand dollars/one million dollars, and against liability for /or property damage, in. The type of policy and limits of coverage shall be subject to approval by the sum of fifty thousand dollars. county's risk manager.

~~(c) A cash bond or surety bond from a recognized surety company to compensate the county for any damage done to county property, the amount of such deposit or bond to be determined with reference to the type of event and the number of persons anticipated.~~

~~(d)~~ (c) A security program for the policing of the event, at applicant's cost, including, in the case of political rallies, protection of the lives and limbs of prominent persons, and including also determined to be sufficient by the county sheriff or local police department, as applicable. Such program shall include, where appropriate applicable, vehicular and pedestrian traffic controls. Such program shall first control, as well as protection for any county property or landscaping, and shall be submitted to the sheriff of the county and to the chief of police of the city concerned, when the event is to Sheriff, or if the event will take place in within an incorporated city, for approval to that city's police department at least ten days prior to the first day of such event. This condition shall in no event be construed to require section does not impose any additional obligations on any law enforcement office concerned to undertake more than public safety precautions beyond its normal duties in such cases scope of responsibilities.

~~(d)~~ (e) Control and regulation of noise and all sound amplifying devices ~~and other noise or music producing machinery.~~

~~(f) Furnishing, installation and removal of protective devices for county property, including trees, shrubbery and flowers. The provisions of this section shall not apply to meetings of~~

~~public agencies and officials including county central committees, in the performance of the duties of their office or employment.~~

(Ord. No. 1954, § 3)

~~Sec. 12A-4. - Same - Issuance.~~

Sec. 12A-4. - Issuance of permit.

Except as otherwise provided in this article, all permits shall be issued and conditions imposed by the ~~county~~county's general services department, ~~office of resources and collections~~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. - Same - Keeping permit on premises.~~

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 ~~premises concerned~~county property, with a copy of the original permit in his or her possession ~~at such times. Upon request of any county official or peace officer, he.~~ The name and contact information for the person responsible for the event shall exhibit suchbe provided prior to issuance of the permit for inspection.

(Ord. No. 1954, § 5)

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

~~Because of~~ Due to health and ~~sanitation problems~~safety concerns, no person, ~~except as hereinafter in this section excepted,~~ shall be permitted to remain overnight ~~on any county owned~~ 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 ~~first had and obtained~~ or authorization from the board of supervisors.

~~Because of health and sanitation problems and the further risk to persons and property from fire and overcrowding, no person shall be permitted to erect or maintain any temporary structure or tent or to locate any camper or trailer upon any county owned property, unless by specific written permission first had and obtained from the board of supervisors.~~

The provisions of this section shall not apply to any parks or other facilities ~~owned or maintained by the county~~ where overnight camping is expressly permitted; ~~provided, that all of the rules and regulations of such parks or other facilities are fully met and complied with. The provisions of this section shall not, nor shall it~~ apply to firemen, deputy sheriffs, custodians, caretakers ~~and law enforcement personnel, or~~ other persons whose duties require that they stay overnight on ~~county owned property, nor shall they apply to prisoners~~

~~or other persons whose presence overnight on county owned property is required or authorized by other provisions of law. property.~~
(Ord. No. 1952, § 1)

Article II. - Real Property Procedures

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

~~Sec. 12A-8. Procedure.~~

~~Sec. 12A-9. Notice of resolution of intent required.~~

~~Sec. 12A-10. Authorization to lease real property for use by the county.~~

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

~~Sec. 12A-10.2. Authorization to dispense with bidding of leases for real property owned by the county or leased by the county.~~

~~Sec. 12A-11. Exceptions.~~

• 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. ~~Notice of resolution of intent required.~~ 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)

~~Notice of the adoption of the resolution declaring the board of supervisors' intention to lease real property and of the time and place of the holding of the meeting to receive and consider proposals to lease real property from the county shall be given by posting copies of the resolution, signed by the chairman of the board, in three public places in the county for not less than fifteen days before the date of the meeting, and by publishing the notice in the county in a newspaper of general circulation, once a week for two successive weeks before the date of the meeting. Two publications in such a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates, not counting such publication dates, are sufficient. The period of notice commences on the first day of publication and terminates at the end of the fourteenth day, including therein the first day.~~

~~(Ord. No. 2505, § 3; Ord. No. 2849, § 2)~~

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

~~In accordance with Government Code section 25350.51, as it may from time to time be amended, and notwithstanding section 12A-9 of this chapter, the director of general services, or designee, may:~~

~~(a) Lease real property for use by the county for a term not to exceed three years and for a rental not to exceed two thousand five hundred dollars per month, provided that notice of intent to consummate the lease shall be posted in a public place for five working days prior to consummation of the lease; and~~

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

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

Sec. 12A-10.2. -- Authorization to dispense with bidding of leases for real property owned by the county or leased by the county.

~~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 ten (10) years and having an estimated monthly rent not exceeding fiveten thousand dollars, (\$10,000), may be~~

excluded from the bidding procedure and may be ~~negotiated~~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 ~~given~~provided to the supervisorial office of the district in which the property is located, and shall be published pursuant to Government Code section 6061, ~~posted in the office of the county clerk and, if,~~ 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 ~~any county officers~~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 ~~to lease~~ 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 general services department and the public works department, respectively,~~ 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)

~~If a lease is so excluded from the bidding procedure, the actual monthly rental in the executed lease shall not exceed five thousand dollars, the term of the executed lease shall not exceed ten years,~~

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 ~~and/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 255361460, 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 ~~need~~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 ~~comply with the~~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 ~~article~~code relating to acquiring, improving, leasing, or granting the use of or otherwise disposing of county property.

Sec. 12A-11. - **Exceptions.**

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 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.