

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



1-1

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED, FOUND AND DETERMINED that the following ordinances were duly published:

ORDINANCE

DATE

NEWSPAPER

No. 861

October 2, 2014

The Press-Enterprise

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on January 7, 2014 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors
Dated: January 7, 2014

Kecia Harper-Ihem, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By [Signature], Deputy
AGENDA NO.

1-1

ATTACHMENTS FILED WITH
THE CLERK OF THE BOARD

THE PRESS-ENTERPRISE

3450 Fourteenth Street
Riverside, CA 92501-3878
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, under date of February 4, 2013, Case Number RIC 1215735, under date of July 25, 2013, Case Number RIC 1305730, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

10/02/2013

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: October 02, 2013
At: Riverside, California

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
P.O. BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0001140469-01

P.O. Number:

Ad Copy:

BOARD OF SUPERVISORS OF THE COUNTY OF
RIVERSIDE, STATE OF CALIFORNIA
ORDINANCE NO. 861
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 861 AUTHORIZING
THE
ASSISTANT COUNTY EXECUTIVE
OFFICER/ECONOMIC DEVELOPMENT AGENCY
TO EXECUTE CERTAIN AIRPORT LEASES

The Board of Supervisors of the County of Riverside or-
dains as follows:
Section 1. Ordinance No. 861 is amended in its entire-
ty to read as follows:

ORDINANCE NO. 861

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
ESTABLISHING PROCEDURES AND LIMITED DEL-
EGATION OF AUTHORITY FOR LEASES AND
LICENSES OF REAL PROPERTY**

Section 1. PURPOSE. To establish alternative pro-
cedures for the leasing and licensing of real property by
or for the County of Riverside and to delegate to an ap-
propriate county officer, such as the Assistant County
Executive Officer of the Economic Development Agency,
the Managing Director and the Assistant Director of
the Real Estate Division, the Assistant Director of Avia-
tion Division of the Economic Development Agency, or
any other county officer charged by the Board with the
responsibilities and duties of managing any County
property, the authority with limitations to negotiate and
execute leases and licenses on behalf of the County of
Riverside for real property belonging to, leased by, or li-
censed by the County of Riverside or for the use of the
County, including airport property. The delegation of
authorities established in this ordinance shall transfer to
any equivalent successor county officer positions to the
positions named herein.

Section 2. AUTHORITY. This ordinance is adopted
pursuant to Government Code sections 25537, 25350.51,
and 25526.6. The Board of Supervisors may, by ordi-
nance, 1) establish an alternative procedure, than those
procedures required by sections 25526 to 25535, for
leasing and licensing of any real property belonging to,
leased by, or licensed by, the County and may delegate
authority with limitations to a county officer(s) deemed
appropriate to execute such leases and licenses; 2) au-
thorize, with limitations, a county officer if deemed ap-
propriate to obtain by lease or license real property for the
use by the County.

Section 3. DEFINITIONS. The following words and
phrases, whenever used in this ordinance, shall be con-
strued as defined in this section. Any words and phras-
es not specifically defined herein shall have the mean-
ing as they are defined in Riverside County Ordinance
No. 803.

a. **Airport Property.** Any County property that was
acquired for airport purposes or designated as part of
an airport within the County of Riverside, whether or not
any portion thereof is actually used for airport or aeo-
nautical purposes.

b. **Call for Bids.** To summon by invitation the solici-
tation for one or more offers from any responsible party
as a preliminary step to conducting the bidding proce-
dures for leasing or licensing County property.

c. **County Property.** Any real property or any inter-
est therein, buildings and facilities belonging to, leased
by or licensed by the County of Riverside.

d. **Delegate.** A county officer working as an Assis-
tant County Executive Officer, a Managing Director or a
Assistant Director, each of the County of Riverside Eco-
nomic Development Agency.

e. **Highway Purposes.** The intended use, passing
or repassing of any public highway, road, street, ave-
nue, alley, lane, drive, way, place court, or trail, by the
public to the full, unobstructed and uninterrupted enjoy-
ment of the entire width of the layout for that intention.

f. **Lease.** An agreement, including any leases or
subleases, in which a property owner or person with au-
thority to lease such property agrees to give a person or
entity the exclusive right to use, occupy and control the
real property for a specific term and for consideration.

g. **License.** An agreement, including a license,
right of entry, and use permit whereby the owner of real
property grants, or a person with the authority to grant,
a revocable, non-exclusive right to a person or entity to
use the real property for a specific purpose. It is person-
al to that person or entity, does not transfer an interest
in real property.

h. **Public Party.** The State of California, a county,
city, district, public agency or corporation, or public utility
corporation.

i. **Responsible Party.** Any person or entity, public
or private, willing and capable of performing the requi-
site terms and conditions provided in the Call for Bids
for a lease or license of County property.

**Section 4. ALTERNATIVE BIDDING PROCE-
DURE FOR LEASING AND LICENSING OF COUNTY
PROPERTY.** The Board, pursuant to Government Code
section 25537, hereby prescribes the following alterna-
tive procedure to the procedure required by sections
25526 to 25535 for leasing and licensing of County prop-
erty. This alternative procedure shall not be required
for any leases or licenses that have been specifically ex-
cluded by law from any bidding procedures. The Board
authorizes the delegate to conduct the alternative bid-
ding procedure prescribed herein for the lease or license
of County property in accordance with the following:

a. The call for bids shall be posted in at least three
public places for not less than 15 days and published for
not less than two weeks in a newspaper of general cir-
culation that is published in Riverside County with a de-
scription of the County property proposed to be leased
or licensed, the terms of the lease or license, and the lo-
cation and time period for receipt and examination of
the bids.

b. The delegate shall open and examine all the writ-
ten bids to lease or license the property
at the place and time specified in the call for bids.
The highest written bid that conforms to all the terms
and conditions specified in the call and was made by a
responsible party shall be declared as the highest bid by
the delegate pending final approval by the Board.

c. The delegate shall present the highest declared
bid as described in this Section 4.b., to the Board at a
regular meeting for acceptance or rejection. The Board
shall either accept the bid declared as the highest or re-
ject all bids for the proposed lease or license.

Section 5 LEASES OR LICENSES OF COUNTY

PROPERTY EXCLUDED FROM BIDDING PROCEDURES. Notwithstanding Section 4 of this ordinance, a lease or license of County property not exceeding ten (10) years in duration nor exceeding an estimated monthly rental rate of twenty five thousand dollars (\$25,000) may be excluded from the bidding procedures prescribed in Section 4, except that notice shall be given pursuant to Government Code section 6061, posted in the office of the Clerk of the Board. Any such leases or licenses excluded from bidding procedures shall not have an actual monthly rental that exceeds twenty five thousand dollars (\$25,000), the term shall not exceed 10 years and the lease or license is not renewable. Any notice for such leases or licenses shall be given pursuant to Government Code section 25537(b)-(d). The Board hereby authorizes the delegate to execute in the name of the County as lessor in a lease or licensor in a license of County property without any advertised call for bids provided the lease or license conforms to the limitations provided in this Section 5 and is done in compliance with all applicable laws.

a. For licenses, notice shall be given to the supervisorial district office in which the property is located, at least five (5) working days prior to execution of the license, with a description of the property, the terms and conditions of the license and the name of proposed licensee.

- 1) If no written objection to the proposed license is received within five working days after the notice has been provided, it shall be deemed approved by the district office.
- 2) If written objection to the proposed license is received within the five working days, the license may be submitted for approval by the Board at a regular meeting.

b. The delegation of authority granted in this Section 5 shall expire five years from the effective date of Ordinance No. 861.1.

Section 6. GRANTING A LICENSE OR USE PERMIT ON COUNTY PROPERTY TO A PUBLIC PARTY. Notwithstanding any other provision of the law and as authorized by Government Code section 25526.6, the delegate is hereby authorized to grant a license or permit for use of any County property to a public party in the manner and upon the terms and conditions as the delegate determines or prescribes, upon a finding by the Board or the delegate that the grant is in the public interest and that the interest in land granted will not substantially conflict or interfere with the use of the property by the County.

Section 7. LEASE OR LICENSE OF REAL PROPERTY FOR USE BY COUNTY. The delegate is hereby authorized to negotiate and execute a lease or license for use by the County for a term not to exceed five (5) years and for a monthly rental amount not to exceed seven thousand five hundred dollars (\$7,500) pursuant to Government Code section 25390.51 and provided that:

a. A notice of intention to consummate such a lease or license shall be posted in a public place for five working days prior to consummation of the lease or license containing a description of the property to be leased or licensed, the terms of the lease or license, and any county officer authorized to execute the lease or license.

b. The rental rate has been determined by the delegate to represent a fair and reasonable rate.

c. The delegate may amend a lease or license to provide for property improvements or alterations, or both, provided the total cost in each amendment does not exceed seven thousand five hundred dollars (\$7,500), the amendment does not extend the term of the lease or license and no more than two amendments, not to exceed seven thousand five hundred dollars (\$7,500) each, are made within a twelve (12) month period.

Section 8. CHANGES TO EXISTING LEASES. Matters concerning termination, extension, amendment or renewal of leases on real property shall be submitted to the Board for approval by and with the recommendation of the Assistant County Executive Officer for the Economic Development Agency, except those leases for use by the County for a total term not to exceed five years and for a rental amount not to exceed seven thousand five hundred dollars (\$7,500) per month and in accordance with the limitations provided in Section 7.c of this ordinance. A total term shall mean the sum of the original term plus any prior or proposed extensions or renewals thereof.

Section 9. LEASING AND LICENSING OF AIRPORT PROPERTY. In addition to the provisions set forth in this ordinance or by state law, any lease and license of airport property shall also include the following:

a. Shall be in accordance with all applicable federal, state or local regulations with respect to the use, leasing or licensing of airport property.

b. Shall be administered in accordance with the regulations and requirements of the Federal Aviation Administration (FAA), as well as the Grant Assurances associated with any applicable FAA grants or other agreements.

c. Shall include applicable federally required lease provisions.

d. Shall include a lease or license attachment with a Fixed Base Operator (FBO), the County's current 'Minimum Standards for Fixed Based Operators,' or as it may be amended from time to time.

e. Shall not, if a lease of airport property for the purposes provided in Government Code section 50478, have a term that exceeds 50 years.

Section 10. LEASING OF REAL PROPERTY ACQUIRED FOR HIGHWAY PURPOSES. The Board authorizes the delegate to lease any real property acquired by the County for highway purposes may be leased by the delegate, with the recommendation of the Director of Transportation and without competitive bidding, subject to the term requirements of Streets and Highways Code section 960.6. Proceeds from such leases shall be paid into the County Treasury to the credit of any fund designated by the Board which is available for highway purposes. A notice of intention to enter into the lease shall be posted in a public place at least five (5) working days prior to entering into a lease under this section.

Section 11. GENERAL CONSIDERATIONS FOR ALL LEASES AND LICENSES OF REAL PROPERTY. Board Policies providing considerations or guidelines for leasing and licensing of real property by or for the County should be followed in conjunction with the procedures and limitations prescribed by law and this ordinance. Any real property transaction conducted on behalf of the County that is deemed a 'project' under the California Environmental Quality Act (CEQA) shall be

ated with the real property transactions shall be approved as to form by county counsel.

Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section 2. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

John J. Benoit, Chairman of the Board

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on September 24, 2013, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Tavaglione, Stone, Benoit and Ashley
NAYS: None
ABSENT: None

Kecia Harper-Ihem, Clerk of the Board
By: Cecilia Gil, Board Assistant

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