

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 3.10
(ID # 14479)

MEETING DATE:
Tuesday, April 27, 2021

FROM: FACILITIES MANAGEMENT:

SUBJECT: FACILITIES MANAGEMENT-REAL ESTATE (FM-RE) Adoption of Ordinance No. 861.2, an Ordinance of the County of Riverside Amending Ordinance No. 861 Establishing Procedures and Limited Delegation of Authority for Leases and Licenses of Real Property, and Adoption of Ordinance No. 598.8, an Ordinance of the County of Riverside Amending Ordinance No. 598 Establishing Procedures and Delegating Authority for Disposition or Acquisition of Real Property [All Districts] [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt, read title and waive further reading of Ordinance No. 861.2, establishing procedures and limited delegation of authority for leases and licenses of real property;
2. Adopt, read title and waive further reading of Ordinance No. 598.8, establishing procedures and delegating authority for disposition or acquisition of real property; and
3. Direct the Clerk of the Board to post and publish Ordinance Nos. 598.8 and 861.2 within fifteen days of adoption pursuant to Government Code Section 25124.

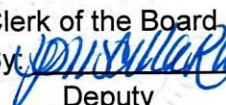
ACTION:


Rose Salgado, Director of Facilities Management 2/23/2021

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Washington and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended, and that Ordinance 861.2 and Ordinance 598.8 is adopted with waiver of the reading.

Ayes: Jeffries, Spiegel, Washington, Perez, and Hewitt
Nays: None
Absent: None
Date: April 27, 2021
xc: FM, COB

Kecia R. Harper
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: N/A			Budget Adjustment: No	
			For Fiscal Year: 20/21	

C.E.O. RECOMMENDATION: Approve.

BACKGROUND:

Summary

Riverside County Ordinances No. 861 and No. 598 (Ordinances) were originally adopted by the Board of Supervisors in 1997, and later modified in the form of an amendment and introduced on September 10, 2013 (M.O. #3-30 and #3-31), and adopted September 24 (M.O. #3-32 and #3-33) respectively, granted delegated authority to the Department of Facilities Management and later the Economic Development Agency, to execute certain real estate agreements pertaining to the acquisition, disposition and leasing and licensing of real property. With the recent County departmental restructuring which included the dissolution of the former Economic Development Agency and merger of some divisions into the Department of Facilities Management, it is necessary to modify the Ordinances to grant delegated authority to the newly formed Department of Facilities Management. The primary purpose of this Form 11 is to adopt Ordinance Nos. 861.2 and 598.8, incorporating the following and related modifications into each of the ordinances.

These modifications are as follows:

Ordinance No. 861.2

1. Authority is delegated to designated county officers, including the County Chief Administrative Officer over the Department of Facilities Management; Director and Assistant Director of the Department of Facilities Management, Director of Transportation, Assistant CEO/TLMA and the Airport Manager of TLMA, Aviation Division to execute certain real estate documents including leases and licenses of real property.
2. Modifies the maximum monthly rental to \$50,000 per month for leases or licenses of county owned real property subject to delegated authority.
3. Modifies the maximum monthly rental to \$10,000 per month for leases or licenses on property for use by the County, subject to delegated authority.

Ordinance No. 598.8

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

1. Authority is delegated to the County Chief Administrative Officer over the Department of Facilities Management; Director and Assistant Director of the Department of Facilities Management to execute certain acquisition and disposition agreements pertaining to real property.
2. Requires a Notice of Intention approved by the Board of Supervisors in the event County desires to acquire real property in which the acquisition price exceeds \$500,000.
3. Authorizes the delegate to execute real estate agreement pertaining to acquisition of real property in which the acquisition price is \$500,000 or less for the purpose of acquiring a public structure or facility or project
4. Authorizes the delegate to execute real estate agreement pertaining to acquisition of real property pertaining specifically to a highway project in which the acquisition price is \$500,000 or less.

County Counsel has approved Ordinance No. 598.8 and Ordinance No. 861.2 as to form.

Impact on Residents and Businesses

The adoption of these ordinances will increase the efficiency of various real estate projects and enable a more expeditious delivery of real estate projects to the community.

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

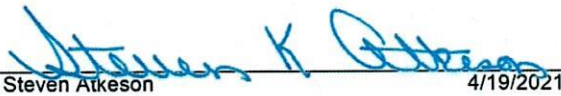
N/A

Attachments

Ordinance No. 861.2
Ordinance No. 598.8

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA

SG:ar/01262021


Steven Atkeson

4/19/2021


Gregory J. Priarios, Director County Counsel

2/24/2021

1 "Section 5. LEASES OR LICENSES OF COUNTY PROPERTY EXCLUDED FROM
2 BIDDING PROCEDURES. Notwithstanding Section 4 of this ordinance, a lease or license of
3 County property not exceeding ten (10) years in duration nor exceeding an estimated monthly
4 rental rate of fifty thousand dollars (\$50,000) may be excluded from the bidding procedures
5 prescribed in Section 4, except that notice shall be given pursuant to Government Code section
6 6061, posted in the office of the Clerk of the Board. Any such leases or licenses excluded from
7 bidding procedures shall not have an actual monthly rental that exceeds fifty thousand dollars
8 (\$50,000), the term shall not exceed 10 years and the lease or license is not renewable. Any
9 notice for such leases or licenses shall be given pursuant to Government Code section
10 25537(b)-(d). The Board hereby authorizes the Delegate to execute in the name of the County
11 as lessor in a lease or licensor in a license of County property without any advertised call for
12 bids provided the lease or license conforms to the limitations provided in this Section 5 and is
13 done in compliance with all applicable laws.

- 14 a. For licenses, notice shall be given to the supervisory district office in which the property
15 is located, at least five (5) working days prior to execution of the license, with a description
16 of the property, the terms and conditions of the license and the name of proposed licensee.
- 17 1) If no written objection to the proposed license is received within five working days
18 after the notice has been provided, it shall be deemed approved by the district office.
 - 19 2) If written objection to the proposed license is received within the five working days,
20 the license may be submitted for approval by the Board at a regular meeting.
- 21 b. The delegation of authority granted in this Section 5 shall expire five years from the
22 effective date of Ordinance No. 861.2."

23 Section 4. The first paragraph of Section 7 of Ordinance No. 861 is amended to read as follows:

24 "Section 7. LEASE OR LICENSE OF REAL PROPERTY FOR USE BY COUNTY. The
25 Delegate is hereby authorized to negotiate and execute a lease or license for use by the County
26 for a term not to exceed five (5) years and for a monthly rental amount not to exceed ten
27 thousand dollars (\$10,000) pursuant to Government Code section 25350.51 and provided
28 that:"

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Section 5. Section 7.c. of Ordinance No. 861 is amended to read as follows:

“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 ten thousand dollars (\$10,000), the amendment does not extend the term of the lease or license and no more than two amendments, not to exceed ten thousand dollars (\$10,000) each, are made within a twelve (12) month period.”

Section 6. Section 8 of Ordinance No. 861 is amended to read as follows:

“Section 8. CHANGES TO EXISTING LEASES OR LICENSES. Matters concerning termination of leases or licenses on real property shall be submitted to the Board for approval by and with the recommendation of a Delegate. Matters concerning extension, amendment or renewal of leases or licenses on real property shall be submitted to the Board for approval by and with the recommendation of the Delegate except for the following:

- a. Those leases or licenses of County property that may be executed by a Delegate pursuant to Section 5 of this ordinance; provided the lease or license, as amended, including the monthly rental rate and total term, conforms to the limitations provided in Section 5 of this ordinance; or
- b. Those leases or licenses for use by the County that may be negotiated and executed by the Delegate pursuant to Section 7 of this ordinance; provided the lease or license, as amended, including the monthly rental rate and total term, conforms to the limitations provided in Section 7.c of this ordinance.

For purposes of this Section 8, a total term shall mean the sum of the original term plus any prior or proposed extensions or renewals thereof.”

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Section 7. This ordinance shall take effect thirty (30) days after its adoption.

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

By: Karen S. Spiegel
Karen Spiegel
Chair, Board of Supervisors

ATTEST:
KECIA R. HARPER
CLERK OF THE BOARD

By: [Signature]
Deputy

(SEAL)

APPROVED AS TO FORM:
March 26, 2021

By: [Signature]
Synthia M. Gunzel
Chief Deputy County Counsel

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on April 27, 2021, the foregoing ordinance consisting of 7 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: April 27, 2021

KECIA R. HARPER
Clerk of the Board
BY: *Wendy Gasser*
Deputy

SEAL

1 property.

2 Section 3. DEFINITIONS. The following words and phrases, whenever used in this ordinance,
3 shall be construed as defined in this section. Any words and phrases not specifically defined herein shall
4 have the meaning as they are defined in Riverside County Ordinance No. 803.

5 a. Airport Property. Any County property that was acquired for airport purposes or
6 designated as part of an airport within the County of Riverside, whether or not any
7 portion thereof is actually used for airport or aeronautical purposes.

8 b. County Property. Any real property, buildings and facilities belonging to the County of
9 Riverside, whether such property is within the unincorporated or incorporated territory
10 of the County.

11 c. Conveyance Documents. Documents that transfer or convey real property, or any interest
12 thereof, to another, such as purchase and sales agreements, conveyance or exchange
13 agreements and deeds.

14 d. Delegate. A county officer working as the County Chief Administrative Officer over the
15 DOFM; Director of DOFM, Assistant Director of DOFM, Real Estate Division; the
16 Assistant County Executive Officer over the TLMA; the Director or Assistant Director
17 of TLMA, Transportation; Airport Manager of the TLMA, Aviation Division or a county
18 officer charged by the Board with the responsibility and duties of managing any County
19 property or rights-of-way.

20 e. Disposition. To dispose of, alienate, relinquish, or part with ownership of any interest
21 in real property by conveyance or transfer.

22 f. Easement. An interest in real property that creates a right to enter and use land possessed
23 by another in a way that would constitute a trespass absent the easement. Easements are
24 classified as either appurtenant (benefiting and transferable with a certain real property
25 interest) or in gross (personal to the grantee). An easement may be transferable. Unless
26 otherwise specified, an easement is presumed to be permanent and non-exclusive.

27 g. Fee Simple. An estate in land, a form of freehold ownership.

28 h. Highway Purposes. The intended use, passing or repassing of any public highway, road,

1 street, avenue, alley, lane, drive, way, place, court, or trail, by the public to the full,
2 unobstructed and uninterrupted enjoyment of the entire width of the layout for that
3 intention.

4 i. Public Party. The State of California, a county, city, district, public agency or
5 corporation, or public utility corporation.

6 j. Sale. The process of effecting the disposition of an interest in real property, including,
7 but not limited to, the solicitation and acceptance of bids, negotiation of an agreement
8 with mutual assent and consideration, final approval by the Board and consummation of
9 a transaction.

10 k. Surplus County Property. Any County property that has been determined to be no longer
11 necessary for the County's use or other public purposes and has been declared as such
12 consistent with the requirements of the Surplus Lands Act (California Government Code
13 Sections 54221 et seq.) and any applicable statutory authority.

14 Section 4. ALTERNATIVE PROCEDURES FOR DISPOSITION OF SURPLUS COUNTY
15 PROPERTY. The Board of Supervisors hereby establishes the alternative procedures to the general
16 procedures required by Sections 25526 to 25535 of the Government Code and authorizes the Delegate to
17 conduct proposed sales of Surplus County property pursuant to the alternative procedures specified at
18 Government Code Section 25538 or 25539, or pursuant to any other applicable statutory authority, and
19 conducted in a manner that complies with all requirements stated therein.

20 Section 5. DISPOSITION OF INTERESTS IN REAL PROPERTY WITH ESTIMATED
21 VALUATION OF \$25,000 OR LESS. The Delegate is hereby authorized to execute the sale, exchange,
22 quitclaim or conveyance of any County property interest with an estimated value of twenty five thousand
23 dollars (\$25,000) or less, provided that a notice of intention that the Delegate will execute the sale is posted
24 in a public place for five working days prior to effecting the transfer and a finding is made that the real
25 property or interest therein is no longer needed for County or other public purposes by the Delegate. The
26 Delegate may sell, exchange, quitclaim or convey any County property interest pursuant to this section in
27 the manner and upon the terms and conditions approved by the Delegate without complying with any
28 statutory requirements referenced in Section 4 of this Ordinance.

1 Section 6. DISPOSITION OF AN EASEMENT INTEREST IN COUNTY PROPERTY TO A
2 PUBLIC PARTY. Pursuant to Government Code Section 25526.6 and notwithstanding any other provision
3 of the law, the Delegate is hereby authorized to grant or otherwise convey an easement interest in real
4 property belonging to the County to a public party in the manner and upon the terms and conditions as the
5 Delegate determines or prescribes, upon a finding by the Board or the Delegate that the conveyance is in
6 the public interest and that the interest in land conveyed will not substantially conflict or interfere with the
7 use of the property by the County.

8 Section 7. DISPOSITION OF AIRPORT PROPERTY. In addition to the provisions set forth in
9 this ordinance, any grants or conveyances of airport property, or any real property interest thereof, shall
10 also include the following:

- 11 a. Shall be in accordance with all applicable Federal, State or local regulations with respect
12 to conveyance of airport property.
- 13 b. Shall be administered in accordance with the regulations and requirements of the Federal
14 Aviation Administration (FAA), as well as the Grant Assurances associated with any
15 applicable FAA grants or other agreements.
- 16 c. Shall include on any conveyance document, applicable federally required terms,
17 conditions or limitations that were placed on the airport property when the County
18 acquired such properties or received federal funding for the airport property.

19 Section 8. DISPOSITION OF COUNTY PROPERTY ACQUIRED FOR HIGHWAY
20 PURPOSES. The County may sell or exchange any real property acquired by the County for highway
21 purposes whenever the Board determines that such real property, or any interest therein, is no longer
22 necessary for those purposes, with the recommendation of the Director of Transportation and in the manner
23 and upon the terms and conditions approved by the Board, in accordance with the requirements of Streets
24 and Highways Code Section 960. The conveyance shall be executed on behalf of the County by the
25 Chairman of the Board or the Delegate and money received for the real property shall be paid into the
26 County treasury to the credit of any fund designated by the Board or Delegate which is available for highway
27 purposes.

28 Section 9. PURCHASE OF REAL PROPERTY BY COUNTY WITH PURCHASE PRICE OF

1 MORE THAN \$500,000. Any purchase of real property that is needed or desired, including any water
2 right or other interest therein, with a purchase price that exceeds five hundred thousand dollars (\$500,000)
3 shall not be made by the County unless a notice of intention of the Board to make the purchase the real
4 property is published in the county pursuant to Government Code section 6063. The notice shall contain a
5 description of the property, the price, the seller, and the time the purchase shall be consummated. A purchase
6 of real property by settlement of an action in eminent domain or the acquisition of any real property or any
7 interest therein for the uses and purposes of county highways does not require the statutory notice of
8 intention to be made by the Board or the Delegate regardless of the purchase price.

9 Section 10. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH A PURCHASE
10 PRICE OF \$500,000 OR LESS FOR THE COUNTY BY PURCHASE. The Delegate is hereby authorized
11 to perform all necessary acts to approve and accept for the County the acquisition of interests in real property
12 with a purchase price of five hundred thousand dollars (\$500,000) or less pursuant to the provisions of
13 Government Code section 25350.60, and provided that:

- 14 a. The acquisition of the real property interest is related to or intended to be used for a
15 public structure, facility or other public improvement.
- 16 b. The funding for the acquisition of the real property interest and related costs thereto has
17 been budgeted and is available by the County department desiring to acquire such real
18 property interest.
- 19 c. In the event of an action in eminent domain, an appraisal has been obtained that has
20 determined the reasonable and just valuation of the real property interest to be acquired.
- 21 d. If required, the appropriate planning agency has made a finding of general plan
22 conformance prior to acquisition of the property.
- 23 e. A list of the real property interests acquired under this delegated authority shall be
24 provided on an annual basis to the Board of Supervisors to receive and file.
- 25 f. The delegation of authority granted in this Section 10 shall expire five years from the
26 effective date of Ordinance No. 598.8.

27 In the event the acquisition of the real property interest requires the relocation of any personal
28 property of the grantor of the real property interest that is located on the real property to be acquired and

1 the requirements in Section 10. a., b. and d. of this ordinance have been satisfied, the Delegate is hereby
2 authorized to negotiate and execute agreements for said relocation; provided, however, the purchase price
3 for the real property interest acquired and the cost of relocation does not exceed a combined total of
4 \$500,000.

5 Section 11. ACQUISITION OF INTERESTS IN REAL PROPERTY WITH A PURCHASE
6 PRICE OF \$500,000 OR LESS BY THE COUNTY FOR HIGHWAY PURPOSES. The Delegate is hereby
7 authorized to perform all necessary acts to approve and accept for the County the acquisition of interests in
8 real property of up to five hundred thousand dollars (\$500,000) for highway purposes pursuant to the
9 provisions of Government Code section 25350.60, and provided that:

- 10 a. The acquisition of the real property interest is related to, or intended to be used for, a
11 public structure or facility or other public improvement.
- 12 b. The funding for the acquisition of the real property and related costs thereto has been
13 budgeted and is available by the County department desiring to acquire such real
14 property interest.
- 15 c. If required, the appropriate planning agency has made a finding of general plan
16 conformance prior to acquisition of the property.
- 17 d. In the event of an action in eminent domain, an appraisal has been obtained that has
18 determined the reasonable and just valuation of the real property interest to be acquired.
- 19 e. A list of the real property interests acquired under this delegated authority shall be
20 provided on an annual basis to the Board of Supervisors to receive and file.
- 21 f. The delegation of authority granted in this Section 11 shall expire five years from the
22 effective date of Ordinance No. 598.8.

23 In the event the acquisition of the real property interest pursuant to this Section 11 is for highway purposes
24 and includes costs of relocation, the Delegate is hereby authorized to negotiate and execute agreements for
25 said relocation, as approved as to form by County Counsel; provided, however, the requirements in Section
26 11. a., b. and c. of this ordinance have been be satisfied and the purchase price for the real property interest
27 acquired and the costs of relocation do not exceed a combined total of \$500,000.”

28 Section 12. ACQUISITION OF INTERESTS IN REAL PROPERTY BY GIFT. The Delegate is

1 hereby authorized to perform all necessary acts to approve and accept for the County the acquisition of
2 interests in real property by gift, bequest, or devise made to or in favor of the County pursuant to the
3 provisions of Government Code section 25355.

4 a. The Delegate shall file with the Board each quarter a report that describes the source and
5 value of each gift valued in excess of five thousand dollars (\$50,000) or any other amount
6 as determined by the Board.

7 b. In accounting for or inventorying gifts, bequests, or devises, the Delegate shall follow
8 the appropriate procedures contained in the State Controller's manual entitled
9 "Accounting Standards and Procedures for Counties."

10 Section 13. GENERAL PROVISIONS. The following requirements shall apply to any of the
11 procedures established and delegation of authorities granted in this ordinance.

12 a. Any real property transaction deemed a "project" under the California Environmental
13 Quality Act (CEQA) shall be conducted in compliance with CEQA.

14 b. Any of the documents associated with the real property transactions shall have been
15 approved as to form by County Counsel.

16 c. Nothing in this ordinance limits, restricts or prohibits the County from following the
17 procedures provided in the Government Code (commencing with Section 54220).

18 d. The acquisition or disposition of real property, or any interest therein, must be done in
19 compliance with Government Code Section 65402.

20 Section 14. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or
21 the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect
22 the other provisions of this ordinance which can be given effect without the invalid provision or application,
23 and to this end, the provisions of this ordinance are hereby declared to be severable.

24 Section 15. This ordinance shall take effect thirty (30) days after its adoption."
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Section 2. This ordinance shall take effect thirty (30) days after its adoption.

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

ATTEST:
KECIA HARPER
CLERK OF THE BOARD

By: Karen S. Spiegel
Karen Spiegel
Chair, Board of Supervisors

By: [Signature]
Deputy

(SEAL)

APPROVED AS TO FORM:
March 26, 2021

By: [Signature]
Synthia M. Gunzel
Chief Deputy County Counsel

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STATE OF CALIFORNIA)
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COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on April 27, 2021, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: April 27, 2021

KECIA R. HARPER
Clerk of the Board
BY: Miscella Passo
Deputy

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