



COUNTY OF SONOMA

575 ADMINISTRATION
DRIVE, ROOM 102A
SANTA ROSA, CA 95403

SUMMARY REPORT

Agenda Date: 4/30/2019

To: Sonoma County Board of Supervisors
Department or Agency Name(s): General Services
Staff Name and Phone Number: Caroline Judy, 707-565-8058
Vote Requirement: Majority
Supervisorial District(s): 3rd

Title:

Bird Rescue Center License - Extension of Term

Recommended Actions:

- A) Approve amendment to the existing License Agreement between the County of Sonoma, as Licensor, and the Bird Rescue Center, as Licensee, to continue to use premises at 3430 Chanate Road, Santa Rosa, CA with an extension through October 30, 2019 upon approval by General Services Director that certain performance conditions have been met.

- B) Make findings pursuant to Government Code 26227 that the proposed extension of the license with Bird Rescue Center for premises at 3430 Chanate Road, Santa Rosa, CA, is in the public interest and that the interest conveyed will not substantially conflict or interfere with the County's use of the property during the extended term(s) of the license.

(Third District)

Executive Summary:

The Bird Rescue Center (BRC) has been using a portion of the County's Chanate Campus under a Revocable License Agreement entered into on February 11, 2014, for a term of 5 years, and expiring on February 11, 2019. BRC pays no rent or other license fee to the County. On December 18, 2018, the County Board of Supervisors approved the surplus sale and ultimate disposition of the Chanate Campus. The County has given BRC several notices over the last two years, that the County's plans to surplus and sell the Chanate Campus will require their relocation. The County General Services Department met with BRC in February 2019 to discuss BRC's efforts to identify a new site to conduct their use. BRC requested and County indicated a willingness to extend the term of BRC's revocable license, with Board Approval, on a short-term basis to April 30, 2019, if BRC delivers its financial statements, makes satisfactory efforts to identify a new site and takes steps necessary to demonstrate its financial feasibility for the relocation. Staff recommends that the Board approve an extension of the License through April 30, 2019, with an extension to October 30, 2019, if BRC continues to demonstrate good faith efforts to relocate its operations, including raising sufficient funds to pay for permitting and construction of its new facilities, and taking efforts to vacate the premises.

Discussion:

BRC is working collaboratively with County to identify a new location for its operations and advising County on BRC’s effort to enter into a new lease agreement to move its facilities and birds. County requested and BRC has delivered certain financial information and updates concerning its efforts to secure a new lease for new premises. If BRC continues to make good faith efforts and progresses with its relocation efforts, including delivering a signed lease for new premises, developing plans for new buildings, obtaining necessary permits, raising sufficient funds to construct its new facilities, then the County may extend the BRC license through October 2019. The parties are working together in a positive, collaborative manner and it appears prudent to continue to allow BRC’s license to extend for several more months to support their move and avoid disruption of their mission.

Approving a license extension under Gov’t Code 26227, and making the requisite finding that the license will not interfere with County use of the property, serves the social needs of the population, and is in the best interest of the County. It allows BRC to continue to operate its bird rescue, rehab and educational programs on Chanate Campus on a short-term basis, without unreasonable interference to County’s efforts to surplus the Chanate Campus. BRC’s continued operations are valuable services that benefit the welfare of County constituents and local wildlife. Extending through October is not expected to significantly interfere with the disposition of Chanate, as bids from the initial surplus offering to designated agencies are due May 10, 2019 and the County expects to begin negotiations with potential purchasers occurring during summer of 2019, with a potential closing between September and December 2019. If no bids are received from the initial phase and the property is marketed to private buyers closing may occur in late 2019 or early 2020. As the disposition of Chanate could occur by December 31, 2019, BRC will need to have plans in place to vacate the premises by the deadlines established in a property disposition agreement to facilitate a timely and orderly sale of the Chanate Campus.

Prior Board Actions:

Approval from Board of Supervisors to enter into original Revocable License Agreement provided on February 11, 2014, Agenda Item 12. See Attached.

FISCAL SUMMARY

Expenditures	FY 18-19 Adopted	FY19-20 Projected	FY 20-21 Projected
Budgeted Expenses	4,800		
Additional Appropriation Requested			
Total Expenditures	4,800		
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other	4,800		
Use of Fund Balance			

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Contingencies			
Total Sources	4,800		

Narrative Explanation of Fiscal Impacts:

The \$4800 referenced above are the utility charges incurred annually by County; these are budgeted for and Bird Rescue Center is invoiced for these charges and reimburses County in full on monthly basis.

Staffing Impacts:			
Position Title (Payro	Monthly Salary Range (A - I Step)	Additions (number)	Deletions (number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Attachment 1 - First Amendment License Agreement, fully executed February 26, 2019

Attachment 2 - Fully Executed Agreement, February 11, 2014

Related Items "On File" with the Clerk of the Board:

None