



## Legislation Text

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**File #:** 2019-1570, **Version:** 1

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** General Services

**Staff Name and Phone Number:** Pamela Asselmeier, 565-1753; Alma Roger, 565-2124

**Vote Requirement:** Majority

**Supervisorial District(s):** All

**Title:**

Amendment to Chapter 2, Section 2-172 of the County Code, to extend for a period not to exceed 5 years, re-authorizing delegation of authority to certain Department Heads to execute leases and licenses valued at less than \$10,000/month and for a term up to 10 years, including renewals. (First Read)

**Recommended Action:**

- A) Adopt a resolution introducing, reading the title of, and waiving further reading of an Ordinance of the County of Sonoma amending Article XVII of Chapter 2, Section 2-172 "Excluded Leases or Licenses" which will re-authorize delegation of authority to Directors of General Services, Regional Parks, Transportation & Public Works and the Airport Manager to execute leases and licenses for county owned facilities valued at less than \$10,000/month and for a term up to ten (10) years, including renewals. This ordinance shall be effective for a period not to exceed five (5) years.
- B) Accept the reports required under existing Article XVII of Chapter 2, Section 2-172 to summarize all licenses and leases executed under this authority since October 28, 2014, attached hereto. Ready for Adoption.

**Executive Summary:**

California Government Code Section 25537 authorizes Counties to adopt alternative procedures for leasing and licensing of County real properties. Included in the authority is an exception to the normally required bidding procedure for leases and licenses below time and monthly rent limits. While adhering to bidding requirements has significant benefits when applied to larger and high value properties, the administrative costs associated with applying this policy to low value properties can exceed the value of the lease or license. Adoption by your Board of the proposed Ordinance would extend the existing delegated authority to the Directors of General Services, Regional Parks and Transportation & Public Works, and the Airport Manager, to execute leases and licenses for County-owned property. The proposed Ordinance is hereby introduced on this November 5, 2019, on the regular agenda, and thereafter final adoption of the Ordinance will be considered at a subsequent meeting of the Board on November 12, 2019.

**Discussion:**

Pursuant to Government Code Section 25537, the County previously adopted Section XVII of Chapter 2, Section 2-172 "Excluded Leases or Licenses" of the County Code to delegate to the Directors of General Services, Sonoma County Regional Parks, and Transportation and Public Works, as well as the Airport Manager,

the authority to execute leases for County property, below specified monetary and time limit thresholds in accordance with Section 25537. That delegated authority will expire on November 27, 2019. Pursuant to the proposed amendment to Article XVII of Chapter 2, Section 2-172, the new delegation will be in effect for 5 years from expiration of existing authority OR 5 years after adoption of this Ordinance and completion of posting and public notice requirements.

Government Code Section 25537 continues to allow any county Board of Supervisors to delegate to county officer(s) authority to execute leases and licenses for a period of up to 10 years and having a monthly rental not exceeding an amount approved by local ordinance or \$10,000 per month if there is no ordinance. The General Services Department, with the support of the Regional Parks Department and the Department of Transportation and Public Works, the Airport Manager and County Counsel recommend that the Board adopt an ordinance amending Section 2-172 of the County Code.

The proposed amendment of Section 2-172 would extend for five (5) years the existing delegated authority to the General Services Director for all County properties and the Directors of Regional Parks and Transportation and Public Works, and the Airport Manager for properties they manage, to enter into agreements for leases and licenses, having a monthly rental not exceeding \$10,000 per month, and for a term up to ten (10) years, including renewals. Leases and licenses that exceed the delegated authority described above will continue to be subject to approval by the Board of Supervisors.

The Department of General Services, the Regional Parks Department, the Department of Transportation and Public Works and the Airport were responsible for the management of approximately 31 licenses and leases for County-owned property, which would be subject to this delegation authority since the Board adopted revisions to Article XVII of Chapter 2, Section 2-172 in November 2014. The total revenue from these agreements for all departments was approximately \$367,445, with an additional \$230,000 (in value) received for the use, operation and maintenance by tenants of Regional Parks' parks and playing fields. Staff time devoted to report preparation, review and distribution for these routine smaller agreements can range from 20 to 40 hours per agreement. This indicates that several hundreds of hours per year currently devoted to other uses would be spent preparing reports for these agreements instead of preparing Board reports, allowing such resources to be devoted to other critical County priorities.

For the term since adoption of Ordinance No. 6087 in November 2014 revising Sonoma County Code Article XVII of Chapter 2, Section 2-172, through November 5, 2019, the affected departments have executed the following total number of agreements: (1) General Services Director: 22 agreements; (2) Regional Parks Director: 7 agreements; (3) Transportation and Public Works Director: none; and (4) the Airport Manager: 2 agreements. Reauthorizing delegated authority to the General Services Director for all County property and to the Directors of the Regional Parks Department and the Department of Transportation and Public Works and the Airport Manager, for properties they manage, will maintain County efficiency by enabling prescribed officers of the County to approve lower value and short term leases and licenses for property, and allow County staff in the affected department to focus on more strategic and complicated contractual arrangements for consideration by the Board through regular board items.

Ordinance 6087 required at Section 2-172(d) that each Director acting under the authority provided, submit to the Board a summary report of the property interests leased or licensed under this authority. Attached hereto is said summary report; the report identifies that since Ordinance 6087 passed, General Services executed agreements ranging from equipment laydown use to support utilities restoration, law enforcement training and radio communications agreement for the Sheriff TComm Bureau. The Director of Regional Parks Dept. executed agreements over this term for uses including, grazing, trail construction, community gardens, ball fields, environmental restoration, and for ranger residential purposes.

**Prior Board Actions:**

10/28/14 - Board action to pass and adopt the Resolution heard on 10/21/14, at regular session, on regular roll call on a 5-0 vote, in form of Ordinance 6087, which became effective November 27, 2014.

10/21/14 - Introduction of Resolution urging Board to adopt a Resolution of The Board of Supervisors of The County of Sonoma, State of California, reading the title, and waiving further reading of, and introduce for adoption, an ordinance of the County of Sonoma amending Article XVII of Chapter 2 of the County Code to re-authorize and expand delegation of authority for Department Heads to execute certain leases and licenses valued at less than \$10,000/month and for a term of less than 10 years.

11/14/90 - Board Resolution 90-2125 delegating to Director of General Services authority to lease certain real property for use by the County.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 19-20 Adopted</b>	<b>FY20-21 Projected</b>	<b>FY 21-22 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

The re-authorization of the ordinance does not have a fiscal impact. However, General Services, Regional Parks and Transportation & Public Works will be including the lease/license rental revenues and expenses in their respective operational budgets as lease/license agreements are executed.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>


**Narrative Explanation of Staffing Impacts (If Required):**

There is no staffing impact associated with this item.

**Attachments:**

Attachment A: Ordinance

Attachment B: Underline/Strike Out Version of Ordinance

Attachment C: Resolution

Attachment D: Summary Reports-Executed Contracts Pursuant to Ordinance 6087 (2014-on)

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

Ordinance 6087 passed and adopted October 28, 2014 by the Board.