

**MEMORANDUM**  
**DEPARTMENT OF FACILITY SERVICES**  
**COUNTY OF PLACER**

To: **BOARD OF SUPERVISORS**

Date: **JUNE 8, 2010**

From:  **JAMES DURFEE / MARK RIDEOUT**

Subject: **INTRODUCTION OF AN ORDINANCE AMENDMENT TO ALTERNATIVE LEASING PROCEDURES OF THE PLACER COUNTY CODE CHAPTER 2, ARTICLE 2.32, SECTION 2.32.040.G**

**ACTION REQUESTED/RECOMMENDATION:** Staff requests that the Board act to introduce an Ordinance Amendment to Chapter 2 of the Placer County Code, Article 2.32 Director of Facility Services, Section 2.32.040.G to increase the dollar amount for lease agreements from \$5,000 to \$10,000; renew the delegated authority to the Director of Facility Services; and, specify that such delegated authority shall be effective until June 15, 2015, and may be extended thereafter for subsequent periods of five (5) years each by Resolution of your Board.

**BACKGROUND:** The California Government Code (Sections 25526 to 25535) outlines the standard leasing procedures that must be followed by counties in order to award leases. These procedures involve a bidding procedure that begins with the county declaring its intention to lease and establishing the timeframe in which proposals will be received and considered. In lieu of this procedure, Section 25537 of the Government Code allows the Board of Supervisors to prescribe, by ordinance, an alternative leasing procedure that allows for a more streamlined process so long as proper notification and leasing parameters are met. This section also allows the Board to delegate the authority to execute leases to a County officer. This alternative leasing procedure can be applied when the lease term does not exceed ten years and the estimated monthly rental amount does not exceed ten thousand dollars (\$10,000). The delegation to a County officer must be renewed every five years.

On July 14, 1992, the Board of Supervisors took action to approve an Ordinance amending Chapter 2 of the Placer County Code in order to adopt an alternative leasing procedure prescribed by the California Government Code. The amended section (originally Section 2.575.G, Alternative Leasing Procedures) establishes that leases of real property belonging to the County of a duration not exceeding ten (10) years, and having an estimated monthly rental not exceeding five thousand dollars (\$5,000) are excluded from the bidding procedure, pursuant to Government Code Section 25537. It also delegated authority to the Director of Facility Services to execute leases pursuant to this section. Prior to the adoption of the Ordinance, the Director of Facility Services had no authority to approve lease agreements for County property outside of DeWitt Government Center. These lease agreements had previously required approval by the Board of Supervisors and were subject to a lengthier bidding process. This delegated authority expedited the preparation and execution of lease agreements.

Since your Board's 1992 approval of the Alternative Leasing Procedures Ordinance, the Government Code has been updated to allow leases having a rental not exceeding ten thousand dollars (\$10,000) to be subject to this Leasing Procedure. Your Board's approval is now necessary to amend the current Ordinance to increase this dollar amount. Staff is also requesting your Board's approval of the following revisions to ensure compliance with the Government Code:

1. Revise Section 2.32.040 (G) 3., to renew the delegation of execution authority to the Director of Facility Services and to specify that such delegated authority shall be effective until June 15, 2015, and may be extended thereafter for subsequent periods of five (5) years each by Resolution of the Board; and,
2. Eliminate the Section 2.32.040 (G) 4., that currently allows the automatic updates to the maximum lease term and/or monthly rental limits contained in the Ordinance should modifications be made to the Government Code Section 25537. Upon review of this section by County Counsel, it was determined that this section was not consistent with the intent of the Government Code.

With your Board's approval, these changes will take effect and be in full force and effect thirty (30) days after their passage.

**ENVIRONMENTAL CLEARANCE:** The adoption of these proposed revisions to the Placer County Code is not a project as defined by CEQA.

**FISCAL IMPACT:** There is no fiscal impact with this action.

ATTACHED: ORDINANCE

JD:MR:LM:NT

CC: COUNTY EXECUTIVE OFFICE

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Before the Board of Supervisors  
County of Placer, State of California

In the matter of:

**An amendment to Subsection (G) of Section 2.32.040 of Article 2.32, Chapter 2 of the Placer County Code pertaining to Alternative Leasing Procedures**

Ordinance No.: \_\_\_\_\_

First Reading: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held \_\_\_\_\_, 2010, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
Chairman

Attest:  
Clerk of said Board

\_\_\_\_\_  
Ann Holman

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Subsection (G) of Section 2.32.040 of Article 2.32 of Chapter 2 of the Placer County Code is hereby amended to read as follows:

G. Alternative Leasing Procedure. Leases of real property belonging to the County of a duration not exceeding ten (10) years, and having an estimated

monthly rental of not exceeding ~~five thousand dollars (\$5,000.00)~~ **ten thousand dollars (\$10,000)** per month, are excluded from any bidding procedure, pursuant to Government Code Section 25537.

1. Such leases shall not be automatically renewable.

2. Notice in regard to leasing of properties pursuant to this subsection shall be as follows:

a. Notice shall be given pursuant to Government Code Section 6061, and posted in the office of the county clerk, and if the lease involves residential property, notice shall be given to the housing sponsors, as defined by Health and Safety Code sections 50074 and 50074.5.

b. Such notice shall describe the property proposed to be leased, the terms of the lease, the location where leases will be executed, the location where offers to lease the property will be accepted, and the county officer authorized to execute the lease.

3. The director of facility services is authorized to execute leases pursuant to this subsection. **The authority granted to the director of facility services pursuant to this subsection shall be effective until June 15, 2015, and may be extended thereafter for subsequent periods of five (5) years each by resolution of the Board of Supervisors.**

4. ~~In the event the legislature increases the maximum lease term and/or monthly rental value pursuant to a subsequent modification to California Government Code Section 25537, the maximum lease term and monthly rental rate limits within this article shall change automatically by the same amount. (Ord. 5006 B (part), 1999; prior code § 2.575)~~

**Section 2:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage. The Clerk is directed to publish a summary of this ordinance within fifteen (15) days in accordance with Government Code Section 25124.