



M E M O R A N D U M
DEPARTMENT OF FACILITIES MANAGEMENT
REAL ESTATE SERVICES DIVISION
County of Placer

TO: Board of Supervisors DATE: May 19, 2020

FROM: Steve Newsom, Director of Facilities Management
By: Ferrin Call, Project Manager

SUBJECT: Real Estate Services / Alternative Leasing Procedure Ordinance / Placer County Code Chapter 2, Article 2.32, Section 2.32.040(G)

ACTION REQUESTED

Adopt an ordinance, introduced on May 5, 2020, to repeal and replace Placer County Code Section 2.32.040(G) governing the County’s alternative leasing procedure.

BACKGROUND

California Government Code Sections 25526 through 25535 outlines the standard procedures that counties must follow to award leases or licenses for county-owned/controlled real property. The process begins with a county declaring its intention to lease, establishes noticing requirements, provides a timeframe in which proposals will be received and considered, and establishes a public bidding process before the board of supervisors. In lieu of this procedure, Section 25537 of the Government Code allows a 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 a board of supervisors to delegate to a county officer for a period of no more than five years the authority to execute leases and licenses.

In July 1992, your Board first adopted an ordinance prescribing an alternative leasing procedure pursuant to Government Code Section 25537. The ordinance specified that leases of real property belonging to the County with a duration not exceeding ten years and having an estimated monthly rental not exceeding \$5,000 were excluded from the bidding procedure set forth in Government Code Section 25537. The ordinance also delegated authority to the Director of Facilities Services (now Facilities Management) (“Director”) to execute such leases in accordance with applicable noticing requirements. In June 2010, your Board approved an ordinance that increased the not-to-exceed monthly rental amount to \$10,000 and renewed the Director’s delegated authority to execute leases until June 15, 2015. In May 2015, your Board extended the Director’s delegated authority until June 15, 2020. Your Board’s approval of an alternative leasing procedure, as set forth in Placer County Code Section 2.32.040(G), has resulted in a more expedited process to negotiate and execute leases and licenses of County-owned/controlled real property.

Your Board introduced the attached ordinance on May 5, 2020. This ordinance closely tracks the requirements of Government Code Section 25537 and clarifies that the alternative procedure applies to both leases and licenses. This ordinance also renews the Director’s delegated authority to execute leases and licenses through June 18, 2025. Adoption of this ordinance will allow the continuation of a process that has proven to be efficient and business-friendly for parties interested in leasing or licensing County-owned/controlled real property.

ENVIRONMENTAL IMPACT

This action is categorically exempt from review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3) (Common Sense) and 15301 (Existing Facilities).

FISCAL IMPACT

There is no fiscal impact associated with this action.

ATTACHMENTS

Ordinance

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

In the matter of: Repeal and Replacement of Placer
County Code Chapter 2, Article 2.32, Section 2.32.040(G)
(Alternative Leasing Procedure).

Ordinance No.: _____

Introduced: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer
at a regular meeting held _____, by the following vote:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER ORDAINS 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 repealed and replaced as follows:

G. Alternative Leasing Procedure. This alternative leasing procedure is prescribed for the
leasing or licensing of any real property belonging to, leased by, or licensed by the county as
permitted by California Government Code Section 25537.

1. As an alternative to the leasing and licensing procedure required by Government Code
Sections 25526 to 25535, inclusive, for the leasing or licensing of any real property belonging to,
leased by, or licensed by the county, the board of supervisors may either accept the highest
proposal for the proposed lease or license submitted in response to a call for bids posted in at
least three public places for not less than fifteen (15) days and published for not less than two

weeks in a newspaper of general circulation, if the newspaper is published in the county, or reject all bids.

2. Leases or licenses of a duration not exceeding ten (10) years and having an estimated monthly rental not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in Subsection (G)(1), except that notice shall be given pursuant to California Government Code Section 6061, posted in the office of the clerk of the board of supervisors, and if the lease or license involves residential property, notice shall be given to the housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license. If a lease or license is excluded from the bidding procedure, the actual monthly rental in the executed lease or license may not exceed ten thousand dollars (\$10,000), the term of the executed lease or license shall not exceed ten (10) years, and the lease or license is not renewable.

3. The board of supervisors authorizes the director of facilities management to execute leases or licenses pursuant to this subsection.

a. The director of facilities management's authority granted by this ordinance is effective through June 18, 2025.

b. The director of facilities management, or designee, shall provide a notice to the supervisorial district office in which the property proposed to be leased or licensed is located at least five working days prior to execution of the lease or license. The notice shall describe the property proposed to be leased or licensed, the terms and conditions of the lease or license, and the name of the proposed tenant or licensee. If the supervisorial district office has not responded in writing objecting to the proposed lease or license within five working days after the notice has been provided, the proposed lease or license shall be deemed approved by the district office. If the supervisorial district office objects to the proposed lease or license in writing within five working days, the lease or license may be submitted for approval by the board of supervisors at a regular meeting.

c. Notice pursuant to this subsection shall also be mailed or delivered at least fifteen (15) days prior to accepting offers to lease or license pursuant to this subsection to any person who has filed a written request for notice with either the clerk of the board or the director of facilities management, or designee. The county may charge a fee that is reasonably related to the costs of providing this service and the county may require each request to be annually renewed. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license.

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