

ATTACHMENT C

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA

March 10, 2020

WHEREAS, Government Code section 25350.51 provides that a county board of supervisors may authorize by resolution a county official to lease real property for use by the county or to obtain the use of real property for the county by license for a term not to exceed five years and for a rental not to exceed ten thousand dollars (\$10,000) per month; and

WHEREAS, Section 25350.51 also provides that a county board of supervisors may authorize by resolution a county official to amend said real property leases or licenses for improvements or alterations, or both, with a total cost not to exceed ten thousand dollars (\$10,000), provided that the amendment does not extend the term of the lease or license beyond the maximum term authorized pursuant to Government Code section 25350.51, and that no more than two amendments, not to exceed ten thousand dollars (\$10,000) each, are made within a 12-month period; and

WHEREAS, Section 25350.51 also provides that a notice of intention to consummate said lease or license must be posted in a public place for five working days prior to consummation of the lease or license, describing the property proposed to be leased or licensed, the terms of the lease or license, and any county officer authorized to execute the lease or license.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Board hereby delegates to the Chief Real Estate Officer, County Executive Office, or designee, the authority to:
 - a. Negotiate and execute acquisition leases and licenses of real property for use by the County of Orange or Orange County Flood Control District ("Acquisition Lease or License") for a term not to exceed the maximum set forth in Government Code section 25350.51, including indemnification when necessary.

ATTACHMENT C

Said Acquisition Lease or License shall not exceed a total cost of ten thousand dollars (\$10,000) per month for all rental charges and associated occupancy costs.

- b. Determine the fair market rent or license fee for said Acquisition Lease or License.
 - c. Make monetary amendments, upon approval by County Counsel, to said Acquisition Lease or License for improvements and/or alterations to the leased or licensed premises provided that:
 - i. No more than two amendments are made within a 12-month period; and
 - ii. Each amendment does not exceed ten thousand dollars (\$10,000); and
 - iii. The amendment(s) does not extend the term of the Acquisition Lease or License beyond the maximum term authorized pursuant to Government Code section 25350.51.
 - d. Make non-monetary amendments, upon approval by County Counsel, to said Acquisition Lease or License provided that:
 - i. The amendment does not expand County's or District's initial liability;
 - ii. The amendment does not extend the term of said Acquisition Lease or License beyond the maximum term authorized pursuant to Government Code section 25350.51.
 - e. Execute all other related documents necessary to finalize said Acquisition Lease or License.
2. Notice of intention to consummate said Acquisition Lease or License shall be posted in a public place for five working days prior to consummation of the Acquisition Lease or License. The notice shall describe the property proposed to be leased or licensed, the terms of the Acquisition Lease or License, and any county officer authorized to execute the Acquisition Lease or License.


ATTACHMENT C

3. The Manager, CEO/Risk Management is authorized to modify or waive requirements for insurance in the Acquisition Lease or License if the Manager, CEO/Risk Management deems such insurance, or any portion thereof, unnecessary to adequately protect the County's or District's interest with respect to the proposed use of and activities on and about said property.
4. The Chief Real Estate Officer, or designee, shall submit to the Board an annual report of the leases and/or licenses executed pursuant to this Resolution.
5. The Chief Real Estate Officer, or designee, executing said Acquisition Lease or License, shall provide a notice to the supervisory district office in which the property proposed to be leased or licensed is located at least five (5) working days prior to execution of the Acquisition Lease or License. The notice shall describe the name of the County agency or department that will occupy or use the property, the property proposed to be leased or licensed, the terms of the lease or license, and the use for which the property is being acquired. If the supervisory district office does not respond in writing objecting to the proposed lease or license within five (5) working days after the notice has been provided, the proposed lease or license shall be deemed approved by the supervisory district office. If the supervisory district office objects to the proposed lease or license in writing within five (5) working days, the lease or license may be amended in coordination with such supervisory district or may be submitted for approval by the Board of Supervisors at a regular meeting.

ATTACHMENT C

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors Acting as the Board of Supervisors and the Orange County Flood Control District, on March 10, 2020, to wit:

AYES:	Supervisors:	LISA A. BARTLETT, ANDREW DO, DONALD P. WAGNER DOUG CHAFFEE, MICHELLE STEEL
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	
ABSTAINED:	Supervisor(s):	



CHAIRWOMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chair of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors, Acting as the Board of Supervisors and Orange County Flood Control District.

IN WITNESS WHEREOF, I have hereto set my hand and seal.




ROBIN STIELER
Clerk of the Board
County of Orange, State of California

Resolution No: 20-016
Agenda Date: 03/10/2020
Item No: 14



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Acting as the Board of Supervisors and Orange County Flood Control District, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

By: _____
Deputy



State of California

GOVERNMENT CODE

Section 25537

25537. (a) In any county the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25526 to 25535, inclusive, for the leasing or licensing of any real property belonging to, leased by, or licensed by, the county. Any alternative procedure so prescribed shall require that the board of supervisors 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 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.

(b) Leases or licenses of a duration not exceeding 10 years and having an estimated monthly rental not exceeding a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000), may be excluded from the bidding procedure specified in subdivision (a), except that notice shall be given pursuant to 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 a dollar limit that may be established by ordinance of the board, or, if no ordinance is adopted, may not exceed ten thousand dollars (\$10,000), the term of the executed lease or license shall not exceed 10 years, and the lease or license is not renewable.

(c) (1) The board of supervisors may, by ordinance, authorize the county officer or officers as are deemed appropriate, to execute leases or licenses pursuant to this section.

(2) A county officer's authority granted by ordinance under this section may not be effective for more than five years.

(3) A county officer authorized by the board of supervisors to execute licenses pursuant to this section shall provide a notice to the supervisorial district office in which the property proposed to be licensed is located at least five working days prior to execution of the license. The notice shall describe the property proposed to be licensed, the terms and conditions of the license, and the name of the proposed licensee. If the supervisorial district office has not responded in writing objecting to the proposed license within five working days after the notice has been provided, the proposed

ATTACHMENT C

25526. Before ordering the sale or lease of any property the board of supervisors shall, in a regular open meeting, by a two-thirds vote of all its members, adopt a resolution, declaring its intention to sell the property, or a resolution declaring its intention to lease it, as the case may be. The resolution shall describe the property proposed to be sold, or leased, in a manner as to identify it and shall specify the minimum price, or rental, and the terms upon which it will be sold, or leased, and shall fix a time, not less than three weeks thereafter for a public meeting of the board of supervisors to be held at its regular place of meeting, at which sealed proposals to purchase or lease will be received and considered.

When the minimum price or annual rental is not over two thousand dollars (\$2,000) or one hundred fifty dollars (\$150) per month for a period of one year or less, instead of describing in detail the property and the terms on which it will be sold or leased, the resolution may briefly identify the property, state the minimum price or rental, and refer to the proposed form of conveyance or lease on file in the office of the clerk of the board of supervisors in which the terms for selling or leasing the property may be seen.

25526.5. Whenever the board of supervisors determines that any real property or interest therein belonging to the county is no longer necessary for county or other public purposes, and its estimated value does not exceed twenty-five thousand dollars (\$25,000), the county may sell, exchange, quitclaim, or convey that real property or interest therein in the manner and upon the terms and conditions approved by the board of supervisors without complying with any other sections in this article. The board of supervisors may, by ordinance, designate an appropriate county officer or officers to execute sales of the real property or interest therein, provided that notice of intention that the county officer or officers will execute the sale shall be posted in a public place for five working days prior to effecting the transfer.

25526.6. Notwithstanding any other provision of law, the board may grant or otherwise convey, or by ordinance, may authorize such county officer or officers as are deemed appropriate, to grant or otherwise convey an easement, license, or permit for use of any real property of the county to the state, or to any county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions as the board or authorized county officer determines or prescribes, upon a finding by the board or authorized county officer that the conveyance is in the public interest and that the interest in land conveyed will not substantially conflict or interfere with the use of the property by the county.

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25526.7

25526.7. Whenever the board of supervisors of a county containing a population of 6,000,000 or more determines that any real property or interest therein belonging to the county is no longer necessary for county or other public purposes, and its estimated sales price does not exceed one hundred thousand dollars (\$100,000), the county may sell, exchange, quitclaim, or convey that real property or interest therein in the manner and upon the terms and conditions approved by the board of supervisors without complying with any other sections in this article. The board of supervisors may, by ordinance, designate any county officer or officers, as are deemed appropriate, to execute sales of the real property or interest therein, provided that a notice of intention that the county officer or officers will execute the sale shall be posted in a public place for five working days prior to effecting the transfer and, at least 10 days prior to effecting the transfer, the notice shall be published pursuant to Section 6061 in one or more newspapers of general circulation within the county and shall be mailed to any person requesting special notice, to any present tenant of the property, and to all owners of land adjoining the property. These sales shall be subject to final approval by the board of supervisors.

(Added by renumbering Section 25526.6 (as added by Stats. 1995, Ch. 482) by Stats. 1997, Ch. 489, Sec. 3. Effective January 1, 1998.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25527

25527. If, in the discretion of the board, it is advisable to offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, the fact that such a commission will be paid and the rate thereof shall be specified in the resolution. No commission shall be paid unless the resolution specifically provides for the payment of the same and there is contained in or with the sealed proposal or stated in or with the oral bid, which is finally accepted, the name of the licensed real estate broker to whom it is to be paid, and the amount or rate thereof. Any commission shall, however, be paid only out of money received by the board from the sale or rental of the real property.

(Amended by Stats. 1957, Ch. 2109.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25528

25528. Notice of the adoption of the resolution and of the time and place of holding the meeting shall be given by posting copies of the resolution signed by the chairman of the board in three public places in the county, not less than 15 days before the date of the meeting, and by publishing the notice in the county pursuant to Section 6063. In addition, the board may purchase advertising space and may advertise the proposed sale or lease of the property in such newspapers, magazines, and other periodicals as, in their judgment, will best publicize the sale or lease to those persons most likely to bid for, purchase or lease the property.

(Amended by Stats. 1967, Ch. 288.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25529

25529. Whenever it is proposed to lease real property and the board of supervisors unanimously determines in the resolution that in its opinion, the monthly rental value of the property does not exceed the sum of fifty dollars (\$50), the resolution may, before the date of the meeting, be published in the county pursuant to Section 6062.

(Amended by Stats. 1957, Ch. 357.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25530

25530. At the time and place fixed in the resolution for the meeting of the board of supervisors, all sealed proposals which have been received shall, in public session, be opened, examined, and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or to lease and which are made by responsible bidders, the proposal which is the highest shall be finally accepted, unless a higher oral bid is accepted or the board rejects all bids. In determining which is the highest sealed proposal, the board shall not subtract therefrom the commission, if any, which the proposal provides shall be paid to a licensed real estate broker. If the highest bid provides for such commission, the board shall pay to the broker the commission specified in the resolution, as provided in Section 25527.

(Amended by Stats. 1957, Ch. 2109.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25531

25531. Before accepting any written proposal, the board shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to purchase the property or to lease the property, as the case may be, upon the terms and conditions specified in the resolution, for a price or rental exceeding by at least 5 percent, the highest written proposal which is made by a responsible person, such highest oral bid shall be finally accepted. In determining which is the highest oral bid the board shall not subtract therefrom any commission to be allowed to a licensed real estate broker, stated in or with the oral bid, but the board shall allow a commission at the rate specified in the resolution, as prescribed by Section 25527. Such commission shall not exceed one-half the difference between the highest sealed proposal and such highest oral bid, except that if both the highest sealed proposal and the highest oral bid were procured by licensed real estate brokers then the commission shall be divided between them in the manner provided by Section 25532.

(Amended by Stats. 1957, Ch. 2109.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25532

25532. In the event of a sale on a higher oral bid to a purchaser procured by a licensed real estate broker, other than the broker who submitted the highest written proposal, and who is qualified as provided in Section 25527 of this code, the board shall allow a commission on the full amount for which the sale is confirmed. One-half of the commission on the amount of the highest written proposal shall be paid to the broker who submitted it, and the balance of the commission on the purchase price to the broker who procured the purchaser to whom the sale was confirmed.

(Added by Stats. 1955, Ch. 1800.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25533

25533. The final acceptance by the board of supervisors may be made either at the same session or at any adjourned session of the same meeting held within the 10 days next following.

(Added by Stats. 1955, Ch. 1800.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25534

25534. The board of supervisors may at the session, if it deems such action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

(Added by Stats. 1955, Ch. 1800.)

ATTACHMENT C



State of California

GOVERNMENT CODE

Section 25535

25535. Any resolution of acceptance of any bid made by the board of supervisors authorizes and directs the president of the board of supervisors, or other presiding officer, or the members thereof, to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessee of all the terms or conditions of his contract to be performed concurrently therewith.

(Added by Stats. 1955, Ch. 1800.)