

ATTACHMENT D

RESOLUTION OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

January 28, 2014

WHEREAS, Government Code Section 25537 provides that a county board of supervisors may authorize by ordinance any county officers to execute leases or licenses on any real property belonging to, leased by, or licensed by, the county when the lease or license duration does not exceed ten (10) years and the minimum monthly rental or license fee does not exceed Ten Thousand Dollars (\$10,000);

WHEREAS, Government Code Section 25537 additionally provides that a county officer's authority granted pursuant to that section may not be effective for more than five (5) years;

WHEREAS, Orange County Codified Ordinance ("OCCO") Section 1-4-154 (adopted pursuant to ordinance No. 03-001) allows such authority to be delegated by resolution; and;

WHEREAS, your honorable Board, previously authorized certain county officers to execute leases and licenses in the amounts prescribed by law pursuant to Resolution No. 09-011, which authority expires on February 10, 2014.

NOW, THEREFORE, BE IT RESOLVED that:

1. In accordance with OCCO Section 1-4-154 and Government Code Section 25537, leases or licenses of County real property for a duration not exceeding ten (10) years and having an estimated monthly rental or license fee not exceeding ten thousand dollars (\$10,000), where the lease or license is not renewable, shall be excluded from the bidding procedure specified in California Government Code, including, but not limited to, Sections 25526 to 25535, and the authority to execute such agreements is hereby delegated to the Chief Real Estate Officer, County Executive Office, or designee.
2. Notice of intent to lease or license property pursuant to paragraph 1 of this Resolution shall be given to housing sponsors, as defined by Sections 50074 and 50074.5 of the Health and Safety Code, if the lease or license involves residential real property and, at least fifteen (15) days prior to accepting offers to lease or license pursuant to this Resolution, to persons who have filed a written request for notice with the Clerk of the Board. 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 the lease or license will be executed, and any county officer authorized to execute the lease or license.

ATTACHMENT D

3. Pursuant to this Resolution, the Chief Real Estate Officer, County Executive Office, or designee, is authorized to determine fair market rent or license fee, establish criteria to determine tenant's/licensee's ability to pay, advertise the availability of property, select tenant or licensee, negotiate, amend and execute leases and licenses and related documents, upon review by County Counsel.
4. The Chief Real Estate Officer, County Executive Office, or designee, executing such lease or license, shall provide a notice to the supervisorial 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 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 lessee or licensee. If the supervisorial district has not responded 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 district office. If the supervisorial district office objects to the proposed lease or license in writing within five (5) working days, the lease or license may be submitted for approval by the Board of Supervisors at a regular meeting.
5. The Manager, CEO/Risk Management is authorized to modify or waive requirements for insurance in the lease or license agreements if the Manager, CEO/Risk Management deems such insurance, or any portion thereof, is unnecessary to adequately protect the County's interest with respect to the proposed use of and activities on and about said property.
6. The delegated authority herein shall be effective for five (5) years.