

**ORDINANCE NO. 861
(AS AMENDED THRU 861.2)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
ESTABLISHING PROCEDURES AND LIMITED DELEGATION OF AUTHORITY
FOR LEASES AND LICENSES OF REAL PROPERTY**

Section 1. **PURPOSE.** To establish alternative procedures for the leasing and licensing of real property by or for the County of Riverside and to delegate to an appropriate county officer, such as the County Chief Administrative Officer over the Department of Facilities Management (DOFM); the Director of DOFM; Assistant Director of DOFM, Real Estate Division; Assistant County Executive Officer for the Transportation and Land Management Agency (TLMA); the Airport Manager of TLMA, Aviation Division or any other county officer charged by the Board with responsibilities and duties of managing any County property, the authority with limitations to negotiate and execute leases and licenses on behalf of the County of Riverside for real property belonging to, leased by, or licensed by the County of Riverside or for the use of the County, including airport property. The delegation of authorities established in this ordinance shall transfer to any equivalent successor county officer positions to the positions named herein.

Section 2. **AUTHORITY.** This ordinance is adopted pursuant to Government Code sections 25537, 25350.51, and 25526.6. The Board of Supervisors may, by ordinance, 1) establish an alternative procedure, than those procedures required by sections 25526 to 25535, for leasing and licensing of any real property belonging to, leased by, or licensed by, the County and may delegate authority with limitations to a county officer(s) deemed appropriate to execute such leases and licenses; 2) authorize, with limitations, a county officer it deems appropriate to obtain by lease or license real property for the use by the County.

Section 3. **DEFINITIONS.** The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section. Any words and phrases not specifically defined herein shall have the meaning as they are defined in Riverside County Ordinance No. 803.

- a. Airport Property. Any County property that was acquired for airport purposes or designated as part of an airport within the County of Riverside, whether or not any portion thereof is actually used for airport or aeronautical purposes.
- b. Call for Bids. To summon by invitation the solicitation for one or more offers from any responsible party as a preliminary step to conducting the bidding procedures for leasing or licensing County property.
- c. County Property. Any real property or any interest therein, buildings and facilities belonging to, leased by or licensed by the County of Riverside.
- d. Delegate. A county officer working as an County Chief Administrative Officer over the DOFM; the Director of DOFM; Assistant Director of DOFM, Real Estate Division; Assistant County Executive Officer over TLMA; the Airport Manager of TLMA, Aviation Division or a county officer charged by the Board with the responsibility and duties of managing County property.
- e. Highway Purposes. The intended use, passing or repassing of any public highway, road, street, avenue, alley, lane, drive, way, place court, or trail, by the public to the full, unobstructed and uninterrupted enjoyment of the entire width of the layout for that intention.

- f. Lease. An agreement, including any leases or subleases, in which a property owner or person with authority to lease such property agrees to give a person or entity the exclusive right to use, occupy and control the real property for a specific term and for consideration.
- g. License. An agreement, including a license, right of entry, and use permit, whereby the owner of real property grants, or a person with the authority to grant, a revocable, non-exclusive right to a person or entity to use the real property for a specific purpose. It is personal to that person or entity, does not transfer an interest in real property.
- h. Public Party. The State of California, a county, city, district, public agency or corporation, or public utility corporation.
- i. Responsible Party. Any person or entity, public or private, willing and capable of performing the requisite terms and conditions provided in the Call for Bids for a lease or license of County property.

Section 4. ALTERNATIVE BIDDING PROCEDURE FOR LEASING AND LICENSING OF COUNTY PROPERTY. The Board, pursuant to Government Code section 25537, hereby prescribes the following alternative procedure to the procedure required by sections 25526 to 25535 for leasing and licensing of County property. This alternative procedure shall not be required for any leases or licenses that have been specifically excluded by law from any bidding procedures. The Board authorizes the delegate to conduct the alternative bidding procedure prescribed herein for the lease or license of County property in accordance with the following:

- a. The call for bids shall be 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 that is published in Riverside County with a description of the County property proposed to be leased or licensed, the terms of the lease or license, and the location and time period for receipt and examination of the bids.
- b. The delegate shall open and examine all the written bids to lease or license the property at the place and time specified in the call for bids. The highest written bid that conforms to all the terms and conditions specified in the call and was made by a responsible party shall be declared as the highest bid by the delegate pending final approval by the Board.
- c. The delegate shall present the highest declared bid as described in this Section 4.b., to the Board at a regular meeting for acceptance or rejection. The Board shall either accept the bid declared as the highest or reject all bids for the proposed lease or license.

Section 5. LEASES OR LICENSES OF COUNTY PROPERTY EXCLUDED FROM BIDDING PROCEDURES. Notwithstanding Section 4 of this ordinance, a lease or license of County property not exceeding ten (10) years in duration nor exceeding an estimated monthly rental rate of fifty thousand dollars (\$50,000) may be excluded from the bidding procedures prescribed in Section 4, except that notice shall be given pursuant to Government Code section 6061, posted in the office of the Clerk of the Board. Any such leases or licenses excluded from bidding procedures shall not have an actual monthly rental that exceeds fifty thousand dollars (\$50,000), the term shall not exceed 10 years and the lease or license is not renewable. Any notice for such leases or licenses shall be given pursuant to Government Code section 25537(b)-(d). The Board hereby authorizes the Delegate to execute in the name of the County as lessor in a lease or licensor in a license of County property without any advertised call for bids provided the lease or license conforms to the limitations provided in this Section 5 and is done in compliance with all applicable laws.

- a. For licenses, notice shall be given to the supervisorial district office in which the property is located, at least five (5) working days prior to execution of the license, with a description of the property, the terms and conditions of the license and the name of proposed licensee.
 - 1) If no written objection to the proposed license is received within five working days after the notice has been provided, it shall be deemed approved by the district office.
 - 2) If written objection to the proposed license is received within the five working days, the license may be submitted for approval by the Board at a regular meeting.
- b. The delegation of authority granted in this Section 5 shall expire five years from the effective date of Ordinance No. 861.2.

Section 6. GRANTING A LICENSE OR USE PERMIT ON COUNTY PROPERTY TO A PUBLIC PARTY. Notwithstanding any other provision of the law and as authorized by Government Code section 25526.6, the delegate is hereby authorized to grant a license or permit for use of any County property to a public party in the manner and upon the terms and conditions as the delegate determines or prescribes, upon a finding by the Board or the delegate that the grant is in the public interest and that the interest in land granted will not substantially conflict or interfere with the use of the property by the County.

Section 7. LEASE OR LICENSE OF REAL PROPERTY FOR USE BY COUNTY. The Delegate is hereby authorized to negotiate and execute a lease or license for use by the County for a term not to exceed five (5) years and for a monthly rental amount not to exceed ten thousand dollars (\$10,000) pursuant to Government Code section 25350.51 and provided that::

- a. A notice of intention to consummate such a lease or license shall be posted in a public place for five working days prior to consummation of the lease or license containing a description of the property to be leased or licensed, the terms of the lease or license, and any county officer authorized to execute the lease or license.
- b. The rental rate has been determined by the delegate to represent a fair and reasonable rate.
- c. The Delegate may amend a lease or license to provide for property improvements or alterations, or both, provided the total cost in each amendment does not exceed ten thousand dollars (\$10,000), the amendment does not extend the term of the lease or license and no more than two amendments, not to exceed ten thousand dollars (\$10,000) each, are made within a twelve (12) month period.

Section 8. CHANGES TO EXISTING LEASES OR LICENSES. Matters concerning termination of leases or licenses on real property shall be submitted to the Board for approval by and with the recommendation of a Delegate. Matters concerning extension, amendment or renewal of leases or licenses on real property shall be submitted to the Board for approval by and with the recommendation of the Delegate except for the following:

- a. Those leases or licenses of County property that may be executed by a Delegate pursuant to Section 5 of this ordinance; provided the lease or license, as amended, including the monthly rental rate and total term, conforms to the limitations provided in Section 5 of this ordinance; or
- b. Those leases or licenses for use by the County that may be

negotiated and executed by the Delegate pursuant to Section 7 of this ordinance; provided the lease or license, as amended, including the monthly rental rate and total term, conforms to the limitations provided in Section 7.c of this ordinance.

For purposes of this Section 8, a total term shall mean the sum of the original term plus any prior or proposed extensions or renewals thereof.

Section 9. LEASING AND LICENSING OF AIRPORT PROPERTY. In addition to the provisions set forth in this ordinance or by state law, any lease and license of airport property shall also include the following:

- a. Shall be in accordance with all applicable federal, state or local regulations with respect to the use, leasing or licensing of airport property.
- b. Shall be administered in accordance with the regulations and requirements of the Federal Aviation Administration (FAA), as well as the Grant Assurances associated with any applicable FAA grants or other agreements.
- c. Shall include applicable federally required lease provisions.
- d. Shall include a lease or license attachment with a Fixed Base Operator (FBO), the County's current "Minimum Standards for Fixed Based Operators," or as it may be amended from time to time.
- e. Shall not, if a lease of airport property for the purposes provided in Government Code section 50478, have a term that exceeds 50 years.

Section 10. LEASING OF REAL PROPERTY ACQUIRED FOR HIGHWAY PURPOSES. The Board authorizes the delegate to lease any real property acquired by the County for highway purposes may be leased by the delegate, with the recommendation of the Director of Transportation and without competitive bidding, subject to the term requirements of Streets and Highways Code section 960.6. Proceeds from such leases shall be paid into the County Treasury to the credit of any fund designated by the Board which is available for highway purposes. A notice of intention to enter into the lease shall be posted in a public place at least five (5) working days prior to entering into a lease under this section.

Section 11. GENERAL CONSIDERATIONS FOR ALL LEASES AND LICENSES OF REAL PROPERTY. Board Policies providing considerations or guidelines for leasing and licensing of real property by or for the County should be followed in conjunction with the procedures and limitations prescribed by law and this ordinance. Any real property transaction conducted on behalf of the County that is deemed a "project" under the California Environmental Quality Act (CEQA) shall be done in compliance with CEQA. Any documents associated with the real property transactions shall be approved as to form by county counsel.

Section 12. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are hereby declared to be severable."

EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption.

Adopted: 861 Item 3.11 of 08/15/2006 (Eff: 09/14/2006)
861.1 Item 3-32 of 09/24/2013 (Eff: 10/24/2013)
861.2 Item 3.10 of 04/27/2021 (Eff: 05/26/2021)