

ORDINANCE NO. 1296

AN ORDINANCE OF THE COUNTY OF GLENN AMENDING THE GLENN COUNTY CODE BY RENAMING TITLE 4 AS "REVENUE AND FINANCE"; NAMING TITLE 9 AS "PROCUREMENT, TRANSFER, DISPOSAL, ALTERATION AND REPAIR"; REPEALING CHAPTERS 2.700 AND 2.750 OF THE CODE; ADDING CHAPTER 9.300 TO TITLE 9 RELATING TO THE PURCHASE, SALE AND LEASE OF REAL PROPERTY; AND, ADDING CHAPTER 9.400 TO TITLE 9 RELATING TO THE CARE AND DISPOSAL OF UNCLAIMED PROPERTY

THE BOARD OF SUPERVISORS OF THE COUNTY OF GLENN ORDAINS AS FOLLOWS:

SECTION 1: Title 4 of the Glenn County Code is hereby renamed as "REVENUE AND FINANCE".

SECTION 2: Title 9 of the Glenn County Code is hereby named "PROCUREMENT, TRANSFER, DISPOSAL, ALTERATION AND REPAIR".

SECTION 3: Chapter 2.700 of Title 2 of the Glenn County Code is hereby repealed.

SECTION 4: Chapter 2.750 of Title 2 of the Glenn County Code is hereby repealed.

SECTION 5: The Glenn County Code is hereby amended by adding Chapter 9.300 to Title 9 to read in its entirety as follows:

Chapter 9.300

PURCHASE, SALE AND LEASE OF REAL PROPERTY

Sections:

- 9.300.010** *Delegation of Authority to Lease or License Real Property for Use by the County.*
- 9.300.020** *Lease of Existing Building Within Incorporated Area of a City.*
- 9.300.030** *Alternative Procedure for Leasing County-Owned Real Property.*
- 9.300.040** *Leases/Licenses Not Subject to Bidding Procedures.*
- 9.300.050** *Delegation of Authority to Enter into Airport Hangar Leases.*
- 9.300.060** *Authority to Acquire Real Property.*
- 9.300.070** *Sale of County-Owned Real Property.*
- 9.300.080** *Limited Authority to Convey to Public Entities.*

9.300.010 Delegation of Authority to Lease or License Real Property for Use by the County.

A. Pursuant to section 25350.51 of the California Government Code, the Purchasing Agent and the Purchasing Agent's designee are hereby authorized:

1. 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 (5) years and for a rental amount not to exceed ten thousand (\$10,000.00) dollars per month without presenting the lease or license to the Board of Supervisors for approval.

2. To amend real property leases or licenses for improvements or alterations, or both, with a total cost not to exceed ten thousand (\$10,000.00) dollars provided that the amendment does not extend the term of the lease or

license and that no more than two amendments, not to exceed ten thousand (\$10,000.00) dollars each, are made within a twelve (12) month period without presenting the amendment to the Board of Supervisors for approval.

B. Notice of intention to consummate the lease or license shall be posted in a public place for five (5) working days prior to consummation of the lease or license. The notice shall describe 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.

C. Any lease, license or amendment thereto shall be in writing and shall be approved as to form by the County Counsel.

D. It shall be within the Purchasing Agent's discretion to require that any action within the Purchasing Agent's authority go to the Board of Supervisors for approval. It shall be also be within the Purchasing Agent's discretion to require competitive bidding when, although not mandatory, the Purchasing Agent believes that it would be in the county's best interests to do so.

9.300.020 Lease of Existing Building Within Incorporated Area of a City.

Pursuant to section 25351 of the California Government Code, if the county intends to enter into a lease of an existing building within the incorporated territory of a city, the Purchasing Agent shall, at least sixty (60) days prior to entering into the lease, provide written notification to the city clerk of the city where the building is to be leased unless the city council of that city has waived, by resolution, that requirement.

9.300.030 Alternative Procedure for Leasing County-Owned Real Property.

A. Pursuant to California Government Code section 25537, a procedure alternative to that required by California Government Code sections 25526 through 25535 for the leasing or licensing of any real property belonging to the county is hereby adopted.

B. The Board of Supervisors shall 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 such newspaper is published in the county, or reject all bids.

C. Leases or licenses of a duration not exceeding ten (10) years and having an estimated monthly rental of not exceeding twenty-five thousand (\$25,000.00) dollars may be excluded from the bidding procedure specified in subdivision A of this section, 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 California Health and Safety Code sections 50074 and 50074.5. 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 license 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 amount in the executed lease or license shall not exceed twenty-five thousand (\$25,000.00) dollars, the term of the executed lease or license shall not exceed ten (10) years, and the lease or license shall not be renewable.

D. The Purchasing Agent and the Purchasing Agent's designee may execute leases or licenses pursuant to this section, which authority is hereby delegated for a term of five years from the effective date of this ordinance, at which time this section may be updated.

E. If the property is intended to be licensed, the Purchasing Agent, or the Purchasing Agent's designee, 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 license shall be deemed approved by the district office. If the supervisorial district office objects to the proposed license in writing within five working days, the license may be submitted for approval by the Board of Supervisors at a regular meeting. This subdivision does not apply to leases.

F. Notice pursuant to this section shall also be mailed or delivered at least fifteen (15) days prior to accepting offers to lease pursuant to this section to any person who has filed a written request for notice with either the Clerk of the Board of Supervisors or with any other person designated by the Board of Supervisors to receive these requests. The county shall charge a fee, which shall be set by resolution, and which is reasonably related to the costs of providing this service. The county requires each request to be annually renewed. The notice shall describe the property proposed to be leased, the terms of the lease, the location where offers to lease the property will be accepted, the location where leases will be executed, and any county officer authorized to execute the lease.

G. This section shall be subject to California Government Code section 25537 as amended from time to time or any successor statute as amended from time to time.

H. All leases and licenses shall be in writing and shall be approved as to form by the County Counsel.

9.300.040 Leases/Licenses Not Subject to Bidding Procedures.

Pursuant to the provisions of California Government Code sections 25536 and 25536.5, the Board of Supervisors, by a four-fifths vote, may enter into leases and licenses without competitive bidding and without compliance with this Chapter under the following circumstances:

A. Leases or subleases of county-owned property devoted to or held for ultimate use for airport, vehicle parking, fairground, beach, park, amusement, recreation, or employee cafeteria purposes, or industrial or commercial development incidental thereto or not inconsistent therewith;

B. Concession or management contracts involving the leasing or subleasing of all or any part of county-owned, leased, or managed property for use for airport, vehicle parking, fairground, beach, park, amusement, recreation, or employee cafeteria purposes, or industrial or commercial development incidental thereto or not inconsistent therewith;

C. Leases in which the county repurchases or leases back the property as part of the same transaction;

D. Agreements with a lessee to amend any existing lease or sublease relating to improved property to permit the permanent improvement or alteration of the county-owned or leased property at the expense of the lessee or concessionaire and permit a credit on rentals or other reimbursement during the remainder of the lease or sublease.

9.300.050 Delegation of Authority to Enter into Airport Hangar Leases.

Pursuant to the provisions of California Government Code sections 25536, 25536.5, and 25537, the Purchasing Agent and the Purchasing Agent's designee are hereby authorized to enter into month-to-month or annual Airport

Hangar Leases, or amendments thereto, on behalf of the Board of Supervisors. Any lease or amendment thereto shall be in writing and shall be approved as to form by the County Counsel. For the purposes of this section, "Airport Hangar Leases" means those leases at the Willows-Glenn County Airport or the Orland Haigh Field Airport that are entered into solely for the storage of active aircraft either with or without a county-owned hangar.

9.300.060 Authority to Acquire Real Property.

Pursuant to California Government Code section 25350.60, the Purchasing Agent and the Purchasing Agent's designee, are authorized to perform all acts necessary to approve, purchase, and accept for the county the acquisition of any interest in real property where the purchase price does not exceed fifty thousand dollars (\$50,000.00), in accordance with the following procedures:

- A. The acquisition of the real property interest is for a public structure, building, road, or other public project or improvement (collectively "project") previously approved by the Board of Supervisors.
- B. The real property interest is not to be acquired by eminent domain.
- C. Funding for the project is budgeted and available.
- D. Notice of intent to purchase is published as required by California Government Code section 25350.
- E. The current market value of the real property interest to be purchased has been determined.
- F. The acquisition complies with the California Environmental Quality Act (CEQA) or other applicable environmental law.
- G. The acquisition complies with all applicable laws pertaining to the acquisition of real property, including, but not limited to, notice requirements, appraisal of the subject real property, offer to purchase, and recordation of deeds.
- H. The proposed acquisition has been reviewed and approved as to form by County Counsel.
- I. The authority delegated herein shall be for a term of five years from the effective date of this ordinance, at which time this section may be updated.

9.300.070 Sale of County-Owned Real Property.

Pursuant to section 25539 of the California Government Code, the Board of Supervisors may require that a proposed sale of county-owned real property be conducted by the Purchasing Agent, or the Purchasing Agent's designee, and that the proposed sale may be conducted on the property site. Except with respect to the person conducting the sale and the location at which the sale is to be conducted, all of the provisions of Article 8, Chapter 5, Part 2, Division 2 of Title 3 of the California Government Code with respect to: (1) the adoption of resolution of intention; (2) the giving of notice of the adoption of the resolution and the time and place of sale; (3) the examination of the proposals and the acceptance of the highest bid; (4) the procedure for calling for oral bids; and (5) the acceptance or rejection of bids, shall be applicable to the alternative bidding procedure prescribed herein. Any final acceptance of a bid by the person conducting the sale shall be subject to the approval of the Board of Supervisors by resolution authorizing and directing the execution of the deed as provided in section 25535 of the California Government Code.

9.300.080 Limited Authority to Convey to Public Entities.

Pursuant to California Government Code section 25526.6, the Purchasing Agent and the Purchasing Agent's designee, are, after review and approval as to form by County Counsel, authorized to grant or otherwise convey an easement, license, or permit for use of any real property of the county to the state, any other county, city, district, or public agency or corporation, or to any public utility corporation in the manner and upon the terms and conditions the Purchasing Agent determines or prescribes upon the Purchasing Agent's finding that the conveyance is in the public interest and that the interest in the land conveyed will not substantially conflict or interfere with the use of the property by the county.

SECTION 6: The Glenn County Code is hereby amended by adding Chapter 9.400 to Title 9 to read in its entirety as follows:

Chapter 9.400

CARE AND DISPOSAL OF UNCLAIMED PROPERTY

Sections:

- 9.400.010 Authority.**
- 9.400.020 Applicability.**
- 9.400.030 Definitions.**
- 9.400.040 Care and Restitution.**
- 9.400.050 Procedure for Sale.**

9.400.010 Authority.

This chapter is enacted pursuant to the authority provided by section 2080.4 of the California Civil Code.

09.400.020 Applicability.

The provisions of this chapter shall apply to the care, restitution, sale or destruction of unclaimed property in the possession of the sheriff of the county.

09.400.030 Definitions.

"Unclaimed Property" means any property found by the officers or employees of the County of Glenn upon the public streets or ways of the county or elsewhere, where the owner of the same is unknown. "Unclaimed property" also means any property in the possession of the sheriff of Glenn County which the owner thereof has not claimed and redeemed within the time limits set forth below. Property held as evidence, dangerous weapons or deadly weapons, narcotic or dangerous drugs, explosives or any property of any kind whatsoever which is prohibited by law as the same are defined or described in state or federal statutes, shall not constitute Unclaimed Property as herein defined.

09.400.040 Care & Restitution

All Unclaimed Property as above defined shall be kept by the sheriff using ordinary care to keep the property safe. If an owner appears prior to three (3) months from the date the property came into the possession of the sheriff

and produces reasonable proof of ownership, the property shall be delivered to said owner upon payment of the storage charges, if any, imposed by the sheriff, and upon said owner executing a receipt for the property.

09.400.050 Procedure for Sale

A. The sheriff is authorized and empowered to sell at public auction, to the highest bidder, for cash, or to transfer said property to the Purchasing Agent for sale to the public at public auction, any article of personal property in his or her possession, unclaimed for a period of three (3) months.

B. In the event the Sheriff elects to sell the property, he or she shall give notice of the date, time and place of sale at least five (5) days before the time fixed therefor by publication once in a newspaper of general circulation in the County of Glenn.

C. In the event the sheriff elects to transfer said property to the Purchasing Agent for sale to the public at public auction, the Purchasing Agent shall give notice of the time and place of sale in the same manner as provided by Article 7 (commencing with Section 25500) of Chapter 5, Part 2, Division 2, Title 3 of the California Government Code for the sale of surplus personal property.

D. If the property is transferred to the Purchasing Agent pursuant to this chapter, such property shall not be redeemable by the owner or other person entitled to possession. If the Purchasing Agent determines that any such property transferred to it for sale is needed for a public use, such property may be retained by the county and need not be sold.

E. The net proceeds from any sale conducted pursuant to this chapter shall be delivered to the county treasurer for deposit in the general fund.

F. Property for which no bid is made at such sale may be given to a nonprofit charitable organization, destroyed or otherwise disposed of as the Purchasing Agent, or the Purchasing Agent's designee, may direct.

SECTION 7: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct, and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 8: This ordinance shall take effect thirty (30) days after the date of its adoption and before the expiration of fifteen (15) days from the date of passage thereof shall be published at least once in a newspaper of general circulation, printed and published in the County of Glenn, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

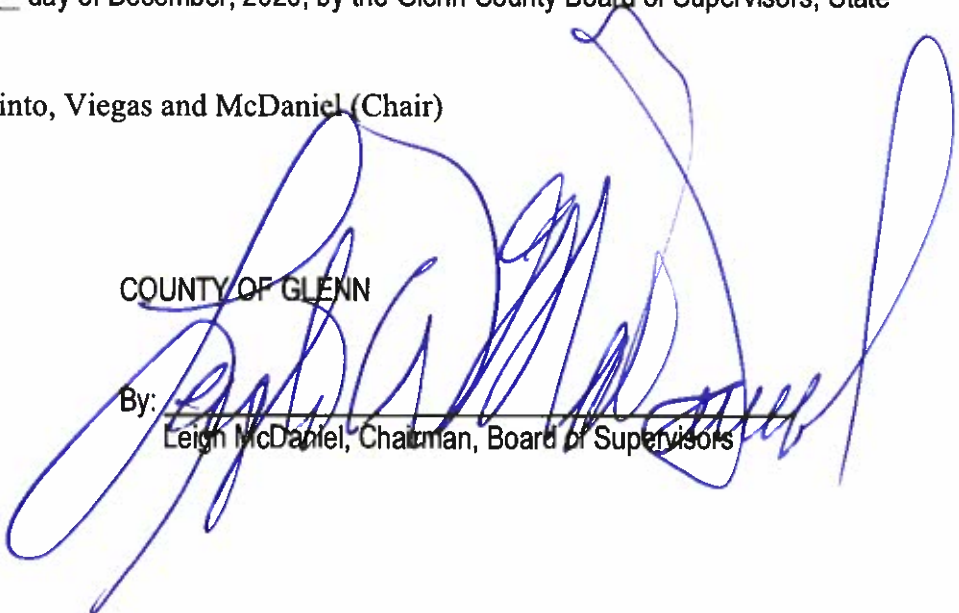
PASSED AND ADOPTED this 15th day of December, 2020, by the Glenn County Board of Supervisors, State of California, by the following vote:

AYES: Supervisors Barr, Corum, Minto, Viegas and McDaniel (Chair)

NOES: None

ABSENT: None

COUNTY OF GLENN

By: 
Leigh McDaniel, Chairman, Board of Supervisors

ATTEST:
DI AULABAUGH

By: 
CLERK OF THE BOARD

APPROVED AS TO FORM:

By: 
WILLIAM J. VANASEK
GLENN COUNTY COUNSEL