

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Public Works

BOARD AGENDA #: *C-1

AGENDA DATE: April 4, 2017

SUBJECT:

Approval to Set a Public Hearing on April 25, 2017 at 9:05 A.M. to Introduce and Waive the First Reading of an Ordinance Adding Section 13.08.070 to Title 13 of the Stanislaus County Code Authorizing the Director of Public Works to Purchase Real Property

BOARD ACTION AS FOLLOWS:

No. 2017-168

On motion of Supervisor Olsen, Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied


3) Approved as amended

4) X Other:

MOTION:

THIS ITEM WAS REMOVED FROM THE AGENDA.
NO ACTION WAS TAKEN.

ATTEST:


ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

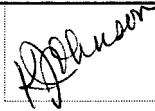
DEPT: Public Works

Urgent

Routine

BOARD AGENDA #: *C-1

AGENDA DATE: April 4, 2017



CEO CONCURRENCE:

4/5 Vote Required: Yes No

SUBJECT:

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STAFF RECOMMENDATIONS:

1. Set a public hearing on April 25, 2017 at 9:05 a.m. to introduce and waive the first reading of an ordinance adding Section 13.08.070 to Title 13 of the Stanislaus County Code authorizing the Director of Public Works to purchase real property of \$5,000 or less, to be effective for a period of five years after adoption.
2. Direct the Clerk of the Board to publish the notice of public hearing in accordance with Government Code Section 25124(b).

DISCUSSION:

The Department of Public Works (Department) is requesting approval of an ordinance which will provide efficiency and streamline the approval process for purchasing small portions of real property \$5,000 or less.

Currently, all right-of-way acquisitions for the County improvement projects are required to be approved by the Board of Supervisors for each parcel regardless of the acquisition value. Most of the County improvement projects require right-of-way acquisitions for small portions of a property. The Board agenda item review process for obtaining approval from the Board of Supervisors takes up to six weeks. By providing the Public Works Director authority to approve and accept small acquisitions, the agenda item review process for Board approval will be eliminated, which will provide efficiency and will streamline the process.

To expedite the purchasing of real property and improve the right-of-way acquisition process for County improvement projects, it is recommended that the Board of Supervisors adopt an ordinance authorizing the Director of Public Works to perform any and all acts necessary to approve and accept for the County the acquisition of any interest in real property \$5,000 or less. This action is pursuant to California Government Code Section 25350.60. Acquisitions of any interest in real property over \$5000 will continue to be approved and accepted by the Board of Supervisors.

The proposed ordinance adds Section 13.08.070 "Purchase of real property—\$5,000 or less" to Title 13 of the Stanislaus County Code (Attachment A). The ordinance establishes

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procedures for purchasing real property and limits the Public Works Director's authority to the purchase price of \$5000 or less. The ordinance is recommended to be effective for five years from the date of adoption.

Public Works staff recommends the adoption of the ordinance to increase efficiency in project delivery by reducing processing time in right-of-way acquisition.

POLICY ISSUE:

Pursuant to California Government Code Section 25350.60, the Board of Supervisors may, by ordinance, authorize a County officer it deems appropriate to perform any or all acts necessary to approve and accept for the County the acquisition of any interest in real property.

FISCAL IMPACT:

Increased efficiency in project delivery and reduced processing time in right-of-way acquisition process will save staff time and increase efficiencies in the process.

BOARD OF SUPERVISORS' PRIORITY:

The recommended actions are consistent with the Board's priorities of providing A Well-Planned Infrastructure System and Efficient Delivery of Public Services by authorizing the Public Works Director to purchase real property reducing the processing time of right-of-way acquisitions and increasing efficiency in project delivery.

STAFFING IMPACT:

Existing Public Works staff will be overseeing this process.

CONTACT PERSON:

Matt Machado, Public Works Director

Telephone: (209) 525-4153

ATTACHMENT(S):

1. Ordinance Authorizing Public Works Director to Purchase Real Property
2. Notice of Public Hearing

ATTACHMENT 1

Ordinance Authorizing Public Works Director to Purchase Real Property

ORDINANCE NO. C.S. _____

**AN ORDINANCE AUTHORIZING PUBLIC WORKS DIRECTOR TO
PURCHASE REAL PROPERTY**

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

Section 1. Section 13.08.070 of the Stanislaus County Code is hereby added to read as follows:

13.08.070 Purchase of real property—\$5,000 or less.

Pursuant to the authority granted by California Government Code section 25350.60, the Public Works Director is authorized to perform all acts necessary to approve and accept for the County the acquisition of any interest in real property where the purchase price for such interest does not exceed \$5,000, in accordance with the following specified procedures:

- A. Establishment of Purchase Price. The purchase price, if any, must be based on a summary of just compensation and may be adjusted only with the written concurrence of Public Works Director. The summary of just compensation shall be prepared in accordance with generally recognized real estate appraisal principles. The preparation of the summary of just compensation and the negotiations shall be performed in accordance with Government Code sections 7260 et seq.
- B. Environmental Clearance. The purchase may not be consummated prior to compliance with the applicable environmental statutes and regulations.
- C. Assurance of Funding. Prior to committing the County to acquisition of the property, funding must be identified as assured by the Public Works Director.
- D. Form of Instrument. All instruments conveying ownership of a property interest must be in a form acceptable to Public Works and County Counsel.
- E. Condemnation. Notwithstanding any other provision of this chapter, the Public Works Director's authority shall be exercised in conjunction with the County Counsel for any acquisition of an interest in real property where a resolution of necessity has been previously adopted by the

Board of Supervisors of the County of Stanislaus for the County of Stanislaus, or in its ex officio capacity for any other public entity.

- F. Acceptance of Gifts. The Public Works Director is authorized to accept gifts consisting solely of real property interests. All requirements for the compliance with the environmental statutes and regulations shall be completed prior to acceptance of any real property interests.
- G. Expiration of Authority. The authority granted to the Public Works Director pursuant to this Section shall be effective for five years from the effective date of this ordinance, after which time it shall be deemed expired and of no further effect

Section 2. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2017, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Vito Chiesa, Chairman of Board of Supervisors of the County of Stanislaus, State of California

ATTEST:

Elizabeth A. King

Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy Clerk

APPROVED AS TO FORM:

John P. Doering

County Counsel

By  _____
Amanda M. DeHart
Deputy County Counsel

ATTACHMENT 2

Notice of Public Hearing

**NOTICE OF PUBLIC HEARING
PURCHASE OF REAL PROPERTY—\$5,000 OR LESS**

NOTICE IS HEREBY GIVEN that on April 25, 2017 at 9:05 a.m., or as soon thereafter as the matter may be heard, the Stanislaus County Board of Supervisors will meet in the Basement Chambers, 1010 10th St., Modesto, CA, to introduce and waive the first reading of an ordinance adding Section 13.08.070 to Title 13 of the Stanislaus County Code authorizing the Director of Public Works to purchase real property of \$5,000 or less, to be effective for a period of five years after adoption.

NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above ordinance is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors. If you have any questions, please call Matt Machado, Director of the Public Works Department at (209) 525-4153 between the hours of 8:00 a.m. and 5:00 p.m. or visit the offices at 1010 10th Street, Suite 4204, Modesto, CA.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED:

ATTEST: ELIZABETH A. KING, Clerk of
the Board of Supervisors
of the County of Stanislaus,
State of California.

BY:

Deputy Clerk