




COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: May 29, 2002

BOARD MEETING DATE: June 25, 2002

TO: Honorable Board of Supervisors

FROM: Paul Scannell, Assistant County Manager 

SUBJECT: Authority of County Manager to execute certain real property agreements on behalf of the County.

Recommendation

Adopt a resolution authorizing the County Manager or his/her designated representative to execute certain leases, licenses, permits, use agreements, rights of entry, and similar agreements, to renew, extend or terminate such agreements, and to exercise options to renew or terminate contained therein.

Background

In the day-to-day conducting of County business it is frequently necessary for the County to either grant or obtain real estate rights set forth in documents that are routine and repetitive in nature. Presently it is the practice that many of these matters are placed on the Board agenda for approval by the Board and the signature of the President.

On April 10, 2001, by adopting Resolution No. 64358, this Board authorized the County Manager or his/her designee to execute licenses, permits and temporary construction easements which have a duration of 36 months or less, and which involve not more than \$5,000 for the term of the agreement. The proposed resolution expands the scope of authority previously delegated to the County Manager.

The proposed resolution would extend such authority to transactions in which the county is leasing property for its own use, and to other miscellaneous real property transactions.

The authority to delegate leasing of property for the county's use is addressed in the California Government Code, which provides that the board may, by ordinance or resolution,

delegate to the purchasing agent or other appropriate county official, subject to any rules and regulations as it may impose, the authority to lease real property for use by the county for a term not to exceed three years and for a rental not to exceed seven thousand five hundred (\$7,500) per month, and to amend real property leases for improvements or alterations, or both, with a total cost not to exceed seven thousand five hundred dollars (\$7,500), provided that the amendment does not extend the term of the lease and that no more than two amendments, not to exceed seven thousand five hundred dollars (\$7,500) each, are made within a 12-month period.

Although not specifically addressed by statutes, the board may also delegate authority to execute use agreements, rights of entry, and similar agreements that are commonly used by the County. The proposed resolution delegates authority to enter into such agreements on behalf of the County. The proposed resolution further specifies the authority, within the stated limits, to execute renewals, extensions and terminations of such agreements, and to execute options to renew or terminate as contained therein.

Discussion

Consistent with state law, this Resolution would authorize the County Manager or his/her designee to execute, on behalf of the County, at his/her discretion, leases of real property for use by the County for a term not to exceed three years, and for a rental not to exceed \$7,500 per month, and limited amendments of those leases.

In addition, the resolution delegates authority for other routine agreements when the fiscal impact does not exceed \$50,000 per agreement per year or a maximum of \$100,000 for the term of the agreement, including any period for which the agreement is extended. By way of example, a year-to-year permit agreement with an annual rent of \$25,000 could be extended only three times under the authority of this Resolution before reaching the \$100,000 limit, and any further extension would require a separate resolution of the Board.

The Real Property Services Division indicates that there are currently no fewer than seven such agreements that would otherwise come before the Board within the next two months, some of which involve no rent.

Vision Alignment

The Resolution keeps Shared Commitment number 9 of providing “responsive, effective and collaborative government”, and contributes to achieving goal number 21: "County employees understand, support and integrate the County vision and goals into their delivery of service". The Resolution contributes to this commitment and goal by establishing a more efficient manner in which to process routine and repetitive agreements, thereby reducing response time in transactions with the public and organizations with which the County transacts business.

Fiscal Impact

There is no fiscal impact to the General Fund.

cc: D. Penny Bennett, Deputy County Counsel
Steve Alms, Real Property

RECOMMENDED
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ASSISTANT COUNTY MANAGER