

26. Adopt an “Ordinance Adding Chapter 2.15 to the Santa Cruz County Code to Define the Legal Authorities of the Director of the Department of General Services” (Approved in concept April 29, 2025) ()



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Clerk of the Board of Supervisors

Subject: Ordinance Adding Santa Cruz County Code Chapter 2.15

Meeting Date: May 20, 2025

Formal Title: Adopt an “Ordinance Adding Chapter 2.15 to the Santa Cruz County Code to Define the Legal Authorities of the Director of the Department of General Services” (Approved in concept April 29, 2025)

Recommended Actions

Adopt an “Ordinance Adding Chapter 2.15 to the Santa Cruz County Code to Define the Legal Authorities of the Director of the Department of General Services,” as approved in concept on April 29, 2025.

Executive Summary

n/a

Discussion

On April 29, 2025, the Board of Supervisors approved the ordinance in concept and scheduled it for second reading/final adoption on May 20, 2025.

Financial Impact

There is no financial impact associated with the recommended actions.

Strategic Initiatives

N/A

Submitted By:

Carlos J. Palacios, County Executive Office

Recommended By:

Carlos J. Palacios, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

ORDINANCE NO. _____

**AN ORDINANCE ADDING CHAPTER 2.15 TO THE SANTA CRUZ COUNTY CODE
TO DEFINE THE LEGAL AUTHORITIES OF THE
DIRECTOR OF THE DEPARTMENT OF GENERAL SERVICES**

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, there exists within the administrative structure of the County of Santa Cruz a Department of Community Development and Infrastructure and a Department of General Services; and

WHEREAS, the Director of the Department of Community Development and Infrastructure is the administrative head of the Department of Community Development and Infrastructure and the Director of the Department of General Services is the administrative head of the Department of General Services; and

WHEREAS, there exists within the administrative structure of the County of Santa Cruz a Division of Real Property, which administers all real property acquired, owned, leased, licensed, and conveyed by the County; and

WHEREAS, prior to July 1, 2024, the Division of Real Property was a constituent part of the Department of Community Development and Infrastructure; and

WHEREAS, effective July 1, 2024, the Division of Real Property was transferred from the Department of Community Development and Infrastructure to the Department of General Services; and

WHEREAS, certain legal authorities regarding real property are currently granted by ordinance to the Director of the Department of Community Development and Infrastructure; and

WHEREAS, with the transfer of the Division of Real Property to the Department of General Services it is appropriate to simultaneously grant certain legal authorities regarding real property to the Director of the Department of General Services and rescind corresponding authorities previously granted to the Director of the Department of Community Development and Infrastructure; and

WHEREAS, to effectuate the changes required to grant authorities to the Director of the Department of General Services, this Ordinance will add Chapter 2.15 to the Santa Cruz County Code;

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NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

SECTION I

Chapter 2.15 is hereby added to the Santa Cruz County Code, to read as follows:

CHAPTER 2.15

DIRECTOR OF THE DEPARTMENT OF GENERAL SERVICES

Sections:

2.15.010 Powers and duties.

2.15.020 Administration of the Department of General Services.

2.15.030 Leasing of certain real property owned by the County excluded from statutory bidding procedures.

2.15.040 Sale of excess of County property.

2.15.050 Authority to approve contract change orders.

2.15.060 Authority to approve and accept the acquisition of minor interests in real property.

2.15.010 Powers and duties.

The Director of the Department of General Services shall be the administrative head of the Department of General Services, and shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested in the Director by this section or any other provision of law. Such duties shall include, but not be limited to, the following:

(A) Recommend the awarding of contracts for the construction and maintenance of all facilities under the supervision of the Director;

(B) Investigate and make recommendations regarding the lease, acquisition, and disposition of real property, as directed by the Board of Supervisors or the County Executive Officer;

(C) Manage County-owned property not otherwise assigned to operating units of the County; and

(D) Perform any and all other activities and duties that may be ordered by the Board of Supervisors.

2.15.020 Administration of the Department of General Services.

The Director of the Department of General Services may create divisions within the Department in order to carry out the purpose of this chapter and change or abolish those divisions from time to time.

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2.15.030 Leasing of certain real property owned by the County excluded from statutory bidding procedures.

(A) The Director of the Department of General Services shall negotiate and execute in the name of the County, as lessor, all leases of real property owned by the County which qualify under Government Code Section 25537, subdivision (b), for exclusion from statutory bidding procedures and are not otherwise assigned to other operating units of the County. The Director shall comply with the notice provisions of Government Code Section 25537, subdivisions (b) and (d) in executing such leases. Pursuant to Government Code Section 25537, subdivision (c)(2), this authorization to negotiate and execute leases shall expire five years from the date the Board of Supervisors grants this authority and must be reauthorized every five years after that via resolution in order to remain effective.

(B) The Director of the Department of General Services shall not undertake a lease negotiation pursuant to this section unless (1) the Board of Supervisors has determined that the real property involved is not needed for public purposes; (2) the Director has determined that the property has an estimated monthly rental value not exceeding \$10,000; and (3) the Board of Supervisors has by resolution authorized the Director to lease such real property.

(C) Any lease executed by the Director of the Department of General Services pursuant to this section (1) shall be for a monthly rental value not exceeding \$10,000; (2) shall be for a term not exceeding 10 years; and (3) shall not be renewable.

2.15.040 Sale of excess of County property.

(A) Property Related to Street Widening or Realignment. Whenever the Director of the Department of General Services determines that County property which has been acquired or abandoned in connection with a street widening or street realignment project is not needed by the County, the Director shall seek an informal determination from the Director of the Department of Community Development and Infrastructure as to (1) whether the property can be developed independently; (2) whether disposition of the property would be consistent with the County General Plan; and (3) whether disposition of the property would be categorically exempt from CEQA.

(1) If the Director of the Department of Community Development and Infrastructure determines that the property cannot be developed independently, and that disposition of the property is consistent with the County General Plan and categorically exempt from CEQA, the Director of the Department of General Services may seek authorization from the Board of Supervisors to negotiate a sale of the property to an adjacent property owner pursuant to the provisions of California Streets and Highways Code Section 960 or 8356.

(2) Any negotiation authorized by the Board of Supervisors shall result in the execution of a memorandum of agreement between the prospective purchaser and the Director of the Department of General Services which shall provide, among other things, that the proposed purchase price be deposited with the County. Upon deposit of the proposed purchase price by the adjacent owner, the Director of the Department of General Services shall submit a proposed real property sales agreement to the Board of Supervisors. The

proposed sales agreement shall include a provision requiring a combination of the purchased property with the property of the adjacent property owner. If the proposed sales agreement is not approved by the Board, the sales price deposit shall be returned to the proposed purchaser, and the property removed from sale or processed according to such further procedures for sale as directed by the Board.

(3) Any sale approved by the Board pursuant to this subsection of property with an estimated value of \$25,000 or less shall be deemed a minor disposition of property which is exempt from the requirements for a general plan conformity determination pursuant to Government Code Section 65402, subdivisions (a) and (b).

(B) Property Unrelated to Street Widening or Realignment. Whenever the Director of the Department of General Services determines that property owned by the County unrelated to street widening or realignment is not needed by the County, the Director shall submit a request to the Director of the Department of Community Development and Infrastructure for (1) a determination of whether disposition of the property would be categorically exempt from CEQA; and (2) a determination by the Planning Commission, pursuant to Government Code Section 65402, as to whether disposition of the property would conform with the County General Plan. If the proposed disposition is determined to be exempt from CEQA and in conformance with the County General Plan, the Director of the Department of General Services may prepare proposed terms and conditions for sale pursuant to Government Code Section 25520 et seq. for consideration by the Board of Supervisors. Upon any approval by the Board of Supervisors of proposed terms and conditions for sale, the property shall be sold in compliance with the provisions of Government Code Section 25520 et seq. and as otherwise directed by the Board.

(C) To the extent applicable to the property, the requirements of Government Code Section 54220 et seq., relating to surplus lands, shall be implemented prior to disposition of the property.

2.15.050 Authority to approve contract change orders.

(A) The Director of the Department of General Services is hereby granted the authority to approve and execute certain contract change orders for County construction contracts pursuant to Public Contract Code Section 20142, subject to the limitations specified in this section.

(B) Where unexpected site or other conditions cause a need for work not covered by the contract, contract change orders may be approved and executed by the Director of the Department of General Services in an amount not to exceed the limits established by Public Contract Code Section 20142, as it may be amended from time to time.

2.15.060 Authority to approve and accept the acquisition of minor interests in real property.

(A) Pursuant to Government Code Section 25350.60, the Director of the Department of General Services is hereby authorized to approve and accept the acquisition of interests in real property, subject to the limitations and procedures specified in this section.

(B) The authority granted in this section shall be limited to those real property interests of a minor nature. For purposes of this section “minor nature” means those real property interests with a value of \$25,000 or less.

(C) The authority granted in this section shall include signature authority on all documentation required to approve and accept the acquisition of real property interests of a minor nature, including, but not limited to, purchase and sale agreements, permanent easements, temporary construction easements, escrow documents, certificates of acceptance, and all other related documents that would normally be executed by the Chair of the Board of Supervisors in order to effectuate the transfer of real property to the County. The Director of the Department of General Services shall follow all normal and standard procedures for the acquisition of real property interests by the County and shall be subject to all applicable State and Federal regulations pertaining to the acquisition of real property by a local public agency.

(D) Pursuant to Government Code Section 25350.60, subdivision (c), the authority granted under this section shall expire five years from the date the Board of Supervisors grants this authority and must be reauthorized every five years after that via resolution in order to remain effective.

SECTION II

The Board of Supervisors finds that the proposed amendments to the County Code are consistent with other provisions of the County Code and with State law.

SECTION III

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

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SECTION IV

This ordinance shall take effect on the 31st day following final adoption.

PASSED AND ADOPTED this _____ day of _____, 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS


ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Felipe Hernandez
Chairperson of the Board of Supervisors

ATTEST: _____
Juliette Rezzato
Clerk of the Board

APPROVED AS TO FORM:

Signed by:
 4/14/2025

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Arthur G. Wille
Assistant County Counsel

Certificate Of Completion

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Arthur G. Wille

arthur.wille@santacruzcountyca.gov

County of Santa Cruz

Assistant County Counsel

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Arthur G. Wille

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

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To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
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- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.