



# COUNTY OF HUMBOLDT

## Legislation Text

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File #: 23-1081, Version: 1

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**To:** Board of Supervisors

**From:** Public Works

**Agenda Section:** Departmental

**Vote Requirement:** Majority

**SUBJECT:**

Ordinance Authorizing the Director of Public Works or Designee to Acquire and Accept Interest in Real Estate on Behalf of the Board of Supervisors

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Introduce by title and waive the first reading of the ordinance;
2. Set the ordinance for adoption at least one (1) week away;
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the attached ordinance and to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least five (5) days prior to the Board of Supervisors meeting at which the ordinance will be adopted [California Government Code Section 25124(b)(1)]; and
4. Direct the Clerk of the Board of Supervisors, within fifteen (15) days after adoption of the ordinance, to publish a post-summary of the ordinance with the names of the Supervisors voting for and against the ordinance, and post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance and amendments along with the names of those Supervisors voting for and against the ordinance [Government Code Section 25124(b)(1)].

**SOURCE OF FUNDING:**

General Fund Land Use 1100-166

**DISCUSSION:**

Section 27281 of the Government Code provides that deeds or grants conveying any interest in or easement upon real estate to a governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee (county) evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant. If a certificate of acceptance is used it shall be

substantially in the form set forth in Government Code Section 27281. The governmental agency, by a general resolution, may authorize one or more officers or agents to accept and consent to such deeds or grants on behalf of the agency. Board of Supervisor's Resolution 06-120, which provides this authorization, was passed on December 12, 2006, and became effective on January 11, 2007. Pursuant to Government Code Section 25350.60, this authorization cannot be effective for more than five (5) years without adopting a new ordinance. The ordinance before you establishes this authority for another five (5) years from the ordinance's effective date, or, until September 21, 2028.

Examples of use of the granted authority would be the acceptance of easements for road rights of way for a new road or for a road realignment. The resolution specifies the form of the certificate of acceptance to be included on the deeds or grants. The form of the certificate of acceptance is substantially in the form set forth in Government Code Section 27281.

Section 25350.60 provides that the Board of Supervisors may, by ordinance, authorize a county officer to perform any or all acts necessary to approve and accept for the county the acquisition of any interest in real property. The ordinance shall specify procedures for the exercise of the authority by the officer and shall establish a dollar limit on any purchase price. The proposed ordinance authorizes the Director of Public Works, or designee, to approve and accept for the county the acquisition of any interest in real property. The ordinance sets forth the procedures for the exercise of the authority and it places a limit on these acquisitions at \$50,000. The authority granted by the ordinance is effective for five (5) years. Designating the Director of Public Works to approve these acquisitions frees the Board's agenda for more pressing matters. However, nothing in the ordinance divests the Board of its authority to acquire interest in real property.

It is requested that the Board take the recommended actions.

**FINANCIAL IMPACT:**

**Narrative Explanation of Financial Impact:**

There is no impact to the General Fund.

This item supports the Core Role of providing for and maintaining infrastructure.

**STAFFING IMPACT:**

No staffing is expected to be impacted.

**Narrative Explanation of Staffing Impact:**

No staffing is expected to be impacted.

**STRATEGIC FRAMEWORK:**

This action supports the following areas of your Board's Strategic Framework.

Core Roles: Provide for and maintain infrastructure  
New Initiatives: N/A  
Strategic Plan: N/A

OTHER AGENCY INVOLVEMENT:

None.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could decide not to approve the resolution and ordinance. Disapproval would mean that all easements to the county would require Board of Supervisor approval, potentially delaying funding authorization for projects.

ATTACHMENTS:

1. Resolution 06-120
2. Ordinance No. \_\_\_\_\_
3. Pre-adoption Summary for Publication

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-12  
Meeting of: 9/11/2018  
File No.: 18-1085