



**RESOURCE  
MANAGEMENT AGENCY  
COUNTY OF TULARE  
AGENDA ITEM**

**BOARD OF SUPERVISORS**

KUYLER CROCKER  
District One  
PETE VANDER POEL  
District Two  
AMY SHUKLIAN  
District Three  
J. STEVEN WORTHLEY  
District Four  
MIKE ENNIS  
District Five

**AGENDA DATE:** May 15, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

**SUBJECT:** An Ordinance to Delegate Authority to the Tulare County Resource Management Agency Director to Acquire Real Property

**REQUEST(S):**

That the Board of Supervisors:

**On May 15, 2018:**

1. Introduce and waive the first reading of an ordinance adding section 1-03-1080 to Chapter 3 Part I of the Ordinance Code of Tulare County, pertaining to the delegation of authority to the Tulare County Resource Management Agency Director to acquire interest in real property; and
2. Set the second reading for June 5, 2018.

**On June 5, 2018:**

1. Waive the second reading and adopt an ordinance adding section 1-03-1080 to Chapter 3 Part I of the Ordinance Code of Tulare County, pertaining to the delegation of authority to the Tulare County Resource Management Agency Director to acquire interest in real property; and
2. Direct the Clerk of the Board to publish the ordinance after adoption as required by law.

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**DATE:** May 15 , 2018

**SUMMARY:**

Staff is requesting a modification to County Ordinance to delegate the authority to the Resource Management Agency (RMA) Director to purchase real property and temporary construction easements for road projects.

Government Code Section 25350.60 authorizes the Board of Supervisors to delegate the purchase of real property to any county officer it deems appropriate and allow any dollar limitation to be established on such purchases. Further, Government Code Section 25350.60 limits the authority granted by this ordinance to be effective for more than 5 years. The ordinance as currently proposed would set the dollar limit at \$25,000 per parcel and would be in effect for 5 years.

If approved, this ordinance would allow Staff to expedite the property acquisition process and maintain a fast track schedule for many road projects that require small right of way acquisitions and the establishment of temporary construction easements. Many projects programmed to be performed by RMA in the next three years include small area acquisitions. For example, some sidewalk projects will require right of way acquisitions of less than 20 square feet and be valued at around \$500. Other cases involve situations where 2-3-foot-wide strips of right of way are required from a number of property owners along a single residential street. It is somewhat impractical to take projects of this scale to the Board of Supervisors, and for this reason, some of these projects have been avoided in the past.

The proposed ordinance would allow the Resource Management Agency Director or designee to undertake the following:

- Approve and execute the agreements for the purchase of property and/or right of way, including construction easement, easements for the relocation of private utilities and relocation agreements, subject to review and approval as to form by County Counsel.
- To make an offer, based on the appraisal of fair market value and the appraisal review establishing just compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Government Code 7260 et seq.
- To adjust the offer to resolve any price disputes for the property to be acquired or for severance damages. The maximum purchase price, including the cost to cure any damages associated with the acquisition and relocation costs shall not exceed \$25,000 for any given parcel.
- Open escrow and sign all documents to facilitate escrows.
- Request the Auditor to draw a warrant in favor of the County's designated Escrow Company for agreements for purchase of property plus escrow fees

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for each agreement and/or to the designated property owner for any internal escrows.

Staff has reached out to other County jurisdictions and have found that similar ordinances exist to allow for the acquisition of both fee title and easements for road projects. Additionally, the Tulare County Board of Supervisors has previously approved ordinances similar to this to expedite the acquisition of right of way for specific road projects. Providing authority to staff to proceed with property negotiations and close right of way acquisitions for smaller projects will eliminate administrative barriers to project delivery.

**FISCAL IMPACT/FINANCING:**

There will be No Net County Cost to the General Fund. All property acquisitions for road construction projects are funded through the Road fund and are typically reimbursed through federal, state, or local transportation project funding sources. This delegation of authority will decrease the amount of time required to complete the process which will decrease the administrative costs associated with project delivery.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

**Safety and Security** – This project will enhance the safety and security of the public by improving the transportation infrastructure for both the general population in the region and the motorists using this facility.

**ADMINISTRATIVE SIGN-OFF:**



Reed Schenke, P.E.

Director

RS:hlf

Cc: Auditor-Controller  
County Counsel  
County Administrative Office (2)

Attachment(s): Attachment A - Ordinance





Attachment A  
Ordinance

ORDINANCE NO.

AN ORDINANCE ADDING SECTION 1-03-1080 TO CHAPTER 3 PART I OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO THE DELEGATION OF AUTHORITY TO THE TULARE COUNTY RESOURCE MANAGEMENT AGENCY DIRECTOR TO ACQUIRE INTEREST IN REAL PROPERTY.

Section 1. THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

Section 1-03-1080. SAME: AUTHORITY TO ACQUIRE INTEREST IN REAL PROPERTY

- 1) Pursuant to Government Code section 25350.60, the Tulare County Resource Management Agency Director, or his or her designee, is hereby authorized to undertake the following:
  - (a) To approve and execute agreements for the purchase of real property and/or right of way, including construction easements and easements for the relocation of public utilities, and relocation agreements, subject to review and approval as to form by County Counsel.
  - (b) To make an offer, based on the appraisal of fair market value and the appraisal review establishing just compensation in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and Government Code section 7260 et seq.
  - (c) To adjust the offer to resolve any price disputes for the property to be acquired or for severance damages. The maximum purchase price, including the cost to cure any damages associated with the acquisition and relocation costs, shall not exceed \$25,000 for any given parcel.

- (d) To open escrows and sign all documents to facilitate escrows.
- (e) To request the Auditor to draw warrants in favor of the County's designated title company for agreements for purchase of real property plus escrow fees for each agreement and/or to the designated property owner for any internal escrows.

2) The Resource Management Agency Director, or his or her designee, shall comply with all applicable laws pertaining to the acquisition of real property as otherwise apply to Board action, including, but not limited to: notice to the property owner(s), appraisal of the subject real property, offer to purchase, recordation of deed(s), and environmental assessment, as may be appropriate.

3) The authority granted herein shall not exceed five (5) years from the effective date of this chapter.

Section 2. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof [a summary] shall be published once in the \_\_\_\_\_, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:



COUNTY OF TULARE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: MICHAEL C. SPATA  
County Administrative Officer/  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy Clerk

JMN/2018277/3/23/2018/1153420