

Ordinance 2009- 05

**AN ORDINANCE OF NASSAU COUNTY, FLORIDA
PRESCRIBING DISPOSITION STANDARDS AND
PROCEDURES FOR THE LEASE OF COUNTY OWNED
REAL PROPERTY; PROVIDING SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Legislature has provided, pursuant to Florida Statutes,
Section 125.35, a method for counties to lease real property; and

WHEREAS, the Board of County Commissioners finds that it is in the
best interest of the citizens of Nassau County to adopt this Ordinance.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

1. Title. This ordinance shall be known as the "Disposition
Standards and Procedures for the Lease of County Owned Real Property."

2. Scope. This ordinance shall apply only to the lease of county
owned real property when the facility is used exclusively by one entity for
the applicable lease period for a designated particular purpose. This
ordinance shall not apply to single day or short-term rentals of community
centers, gymnasiums, and ball parks, and this ordinance shall not apply to
governmental agencies of Nassau County.

3. Lease of County Property by Bid Process. Whenever the
Board of County Commissioners determines that it is in the best interest of
the county to lease county owned real property, the Board may direct the

utilization of the procedures for requiring bids for the lease of property pursuant to Florida Statutes Section 125.35.

Prior to entering into a lease pursuant to the requirements of this section, the Board shall ensure that the proposed use of the real property lease complies with the Land Development Regulations and the governing Comprehensive Plan.

4. Lease of County Property by Request for Proposals

(RFP) Process. The Board may lease county owned property by RFP when it determines procuring a lessee by RFP serves the best interest of the public and when the proposed lease complies with the Land Development Regulations and governing Comprehensive Plan.

4.1 Procedure.

a. Pursuant to presentation by staff or any other party at a public meeting, the Board may determine that it is in the best interest of the county to lease county owned real property by utilizing the RFP process. The Board must ensure that the proposed use will comply with the Land Development Regulations and governing Comprehensive Plan.

b. Upon this determination by the Board, the Board shall direct the County Coordinator, or other designee, to issue an RFP; to establish a committee to evaluate the proposals; to evaluate the proposals; and to submit a recommendation regarding the proposals to the Board at a public

meeting. The Board may provide any further direction regarding the proposed lease or RFP it deems appropriate.

c. At a minimum, the RFP shall include:

- i. The reasons for leasing the property;
- ii. The desired terms of the lease, if determined;
- iii. Where proposals are to be submitted;
- iv. When proposals are to be submitted;
- v. The review process for the proposals; and
- vi. The qualification standards for the review of the proposals.

d. Notice for a RFP calling for proposals shall be published in a newspaper of general circulation published in Nassau County at least once a week for at least two (2) weeks. Said notice shall:

- i. describe the property by address and common name, if applicable;
- ii. describe, in general, the terms sought; and
- iii. state where copies of the RFP can be obtained by providing the address and phone number of the appropriate county office;
- iv. provide any other information which the Coordinator, or designee, may deem relevant.

e. After all responsive proposals have been evaluated as set forth in the RFP, the County Coordinator, or designee, shall submit an agenda item for the Board's consideration at a public meeting which requests authorization to negotiate the terms of the lease with the recommended proposing organization. The recommendation shall be based upon the proposing organization's indication of how it will meet the criteria and desired terms stated by the County in the RFP.

f. The County Coordinator, or designee, shall send written notification of his recommendation to all organizations which submitted responsive proposals. This notification shall include the date of the public meeting that the Coordinator will ask the Board for a decision related to the final disposition of the property, and the time and manner for making an objection to that recommendation.

g. Should Nassau County, in the sole discretion of the Coordinator, or designee, and with consent of the Board of County Commissioners, be unable to negotiate a satisfactory lease agreement with the recommended proposing organization, negotiations with that organization must be terminated by written notice to the organization. The Coordinator, or designee, shall make a subsequent recommendation to the Board, and upon Board approval shall undertake negotiations with the subsequently recommended organization. Failing accord with this organization, the County shall select additional organizations from the submitted proposals in

the order of their qualifications and continue negotiations until an agreement is reached with an organization.

h. The lease agreement shall be forwarded to the County Attorney's Office for review and approval. A final draft of the lease agreement will be forwarded to the organization for review and execution.

i. The County Coordinator, or designee, shall prepare an agenda item presenting the lease agreement between the successful organization and the Board and request the approval of the Board and authorization for the Chairman to execute the agreement. The Board of County Commissioners retains full discretion to approve or reject the lease agreement.

5. Lease of County Property. Notwithstanding subsections (3) and (4) above, when the Board determines a proposed lease arrangement to be in the best interest of the County, the Board may lease county owned property on any terms, including leasing the property for nominal or no consideration, if:

a. The proposed use will comply with the Land Development Regulations and the governing Comprehensive Plan.

b. The Board determines the proposed arrangement serves the best interest of the citizens of the County and sets forth the basis for that finding and the terms of said lease in a Resolution to be considered at an advertised public hearing.

5.2 Procedure.

a. The request to consider the lease arrangement shall be made by the County Coordinator, or designee, at a meeting of the Board of County Commissioners. The request shall be accompanied by any of the following as applicable:

- i. The name of the organization to whom the property may be leased and a copy of its charter;
- ii. The recommended or proposed terms of the lease;
- iii. The applicable public purpose the lease accomplishes;
- iv. A statement that the proposed use will comply with the Land Development Regulations and the governing Comprehensive Plan; or the steps necessary to gain such compliance; and
- v. A proposed date for a public hearing to consider the Resolution as set forth herein.

b. The Board shall authorize the lease by adopting a Resolution setting forth the following:

- i. The facts that substantiate that the arrangement serves the best interest of the public;
- ii. The purpose for which the property is to be used;
- iii. The terms of the lease; and

iv. A provision to be incorporated into the lease which states that in the event the property is not used or ceases to be used for the stated purpose, the lease term shall immediately terminate.

c. The Resolution will be considered at an advertised public hearing. This public hearing shall be advertised at least ten (10) days prior to the public hearing date.

d. Prior to the public hearing, the Lease Agreement and Resolution shall be forwarded to the County Attorney's Office for review and approval. A final draft of the lease agreement will be forwarded to the organization for review and execution.

6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

7. Effective Date. This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED THIS 9th ~~11th~~ ^{BVH} DAY OF

March, 2009.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


BARRY V. HOLLOWAY
Its: Chairman

ATTEST AS TO CHAIRMAN'S
SIGNATURE:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

ESK 3/11/09

Approved as to form by the
Nassau County Attorney


DAVID A. HALLMAN