

MINUTE ITEM NO. 18

APPROVED 12/1/75

CALENDAR ITEM

12/75

WC

W 9301

18.

DELEGATION OF AUTHORITY TO ATTORNEYS

Presently, there are a considerable number of extended rental delinquencies under Commission leases. This condition has resulted in the State losing considerable rental income to which it is entitled. The State is also incurring losses as a result of defaults in the lessees' obligations to maintain surety bonds and liability insurance.

This condition is contrary to the State's interest. Necessary procedures to maintain the leases on a current basis are required.

Speed in the exercise of the State's legal remedies on the lessees' default, including the prompt filing and prosecution of Unlawful Detainer or other appropriate actions, will serve to substantially reduce the extent of the rental delinquencies.

The appointment of the State Lands Division attorneys and/or the office of the Attorney General to represent the Commission in these matters, with the delegation of them of the authority to enforce the Commission's legal remedies by the prompt institution and vigorous prosecution of Unlawful Detainer or other appropriate actions in all cases of default by the lessees of the terms and conditions of Commission leases, will avoid a considerable amount of the delay presently encountered, and will lead to more speedy and efficient enforcement of the leases.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AFFIRM THE POLICY THAT IT IS IN THE PUBLIC INTEREST THAT THE LESSEES' OBLIGATIONS UNDER COMMISSION LEASES BE PERFORMED WHEN DUE, AND THAT PROLONGED DELINQUENCIES SHOULD BE AVOIDED;
2. FIND THAT THE ABILITY TO INITIATE AND PROSECUTE UNLAWFUL DETAINER PROCEEDINGS OR OTHER APPROPRIATE LITIGATION PROMPTLY ON THE LESSEES' DEFAULT IS ESSENTIAL TO ENFORCEMENT OF THE STATE'S LEASES;
3. APPOINT THE STATE LANDS DIVISION ATTORNEYS AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO REPRESENT THE COMMISSION IN THESE MATTERS, AND DELEGATE TO THEM THE AUTHORITY TO ENFORCE THE COMMISSION'S LEGAL REMEDIES BY THE PROMPT INSTITUTION AND VIGOROUS PROSECUTION OF UNLAWFUL DETAINER OR OTHER APPROPRIATE ACTIONS IN ALL CASES OF DEFAULT BY THE LESSEE OF THE TERMS AND CONDITIONS OF COMMISSION LEASES.