

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

ORDINANCE NUMBER 23-017

AN ORDINANCE ADOPTING CHAPTER 13.28 OF THE ORDINANCE CODE OF
FRESNO COUNTY, AS AMENDED, "LEASING OR LICENSING OF ANY REAL PROPERTY
BELONGING TO, LEASED BY, OR LICENSED BY THE COUNTY."

The Board of Supervisors of the County of Fresno ordains as follows:

Section 1. Chapter 13.28 of the Ordinance Code of Fresno County, entitled "LEASING OR
LICENSING OF ANY REAL PROPERTY BELONGING TO, LEASED BY, OR LICENSED BY
THE COUNTY," is adopted, as amended, as follows:

13.28.010 – Alternative Procedures

The county shall follow the procedures set forth in this chapter, when applicable, for the
leasing and licensing of any real property belonging to, leased by, or licensed by the county
("county real property") instead of the formal bidding procedures set forth in Government Code
Sections 25526 et seq. For purposes of this chapter, a "lease" of county real property shall
include any "sublease" of county real property, as well.

13.28.020 – Informal bidding procedures

A. Every lease or license, except those excluded from bidding procedures as provided
in Section 13.28.030 below, shall be let pursuant to the informal bidding procedures set
forth in this section.

B. The county administrative officer, or his/her designee, shall issue a call for written bids.
This call for bids shall be in writing and shall describe the property proposed to be
leased or licensed, the terms of the lease or license, including the minimum rental,
where and when written offers to lease or license the property will be accepted, and
where and when written offers will be opened and oral offers accepted. The call for bids
shall be posted in at least three public places for not less than fifteen days and published

1 for not less than two weeks in a newspaper of general circulation that is published in the
2 county of Fresno.

- 3 **C.** The county administrative officer, or his/her designee, shall open the written offers to
4 lease or license the property at the place and time specified in the call for bids. The
5 highest written offer shall be announced by the county administrative officer, or his/her
6 designee, and immediately thereafter oral offers will be accepted.
- 7 **D.** The county administrative officer, or his/her designee, shall present the highest offer to
8 the board of supervisors, at their regular meeting, for acceptance or rejection. The board
9 of supervisors must either accept the highest offer for the proposed lease or license or
10 reject all bids.

11 **13.28.030 – Leases and licenses excluded from bidding procedures.**

- 12 **A.** At the discretion of the county administrative officer, or his/her designee, a lease or
13 license of any county real property of a duration not exceeding ten (10) years and having
14 an estimated monthly rental not exceeding ten thousand dollars (\$10,000) may be
15 excluded from the formal bidding procedures of Government Code Sections 25526 et
16 seq., and 25537(a), as well as the informal bidding procedures set forth in Section
17 13.28.020 above. If excluded from these bidding procedures, the lease or license shall
18 be let pursuant to this section.
- 19 **B.** The county administrative officer, or his/her designee, shall negotiate in the name of the
20 county as lessor or licensor of the excluded lease or license. Notice of the letting of the
21 lease or license shall be provided pursuant to Government Code Section 25537(b) and
22 (d). The term of the executed lease or license shall not exceed ten (10) years, shall not
23 exceed ten thousand dollars (\$10,000) per month, and shall not be renewable.
- 24 **C.** A lease or license of county real property of a duration not exceeding ten (10) years and
25 having an estimated monthly rental not exceeding thirty-five thousand dollars (\$35,000)
26 may be excluded from the formal bidding procedures of Government Code Sections
27 25526 et seq. and Section 25537(a), as well as the informal bidding procedures set forth
28 in section 13.28.020 above, so long as the county is entering into the lease or license to
enable the lessee or licensee to provide a service to, or for the benefit of, the county, the
state, or any local public agency. Unless partnering with a governmental agency, there
shall be a demonstration that rates the county is charging are market rates, and if the
county is leasing, there shall be a demonstration that the market can support the agreed
upon lease based upon the area and condition of the building. Notice of the letting of the

1 lease or license shall be provided pursuant to Government Code Section 25537(b). The
2 term of the executed lease or license shall not exceed ten (10) years and shall not be
3 renewable. The actual monthly rental set forth in the executed lease or license shall not
4 exceed thirty-five thousand dollars (\$35,000) per month. A lease or license entered into
5 pursuant to this section 13.28.030(C) must be approved and executed by the board of
6 supervisors.

7 **13.28.040 - Authority to execute lease and licenses.**

8 **A.** The county administrative officer, or his/her designee is authorized to approve and
9 execute leases and licenses let pursuant to sections 13.28.020 and 13.28.030(A) and
10 (B) above. Such authority will expire December 31, 2028.

11 **B.** The county administrative officer, or his/her designee, shall provide written notice to the
12 supervisor for the district in which the county real property proposed to be leased or
13 licensed is located, as required by Government Code Section 25537(c)(3), prior to
14 approving and executing a lease or license pursuant to sections 13.28.030(A) or (B).
15 Such written notice is deemed received upon personal delivery to the supervisor's office
16 or three days after mailing, postage paid, in the U.S. mail. If the supervisor objects in
17 writing to the proposed lease or license within fifteen (15) working days of receipt of the
18 notice, the lease or license shall be submitted for approval by the board of supervisors at
19 a regular meeting.

20 **Section 2.** This ordinance shall be effective thirty (30) calendar days following the Board of
21 Supervisor's adoption of this ordinance.

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1 The FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 12th day of December, 2023, to wit:

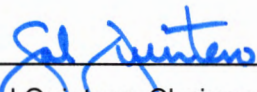
3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

4 NOES: None

5 ABSENT: None

6 ABSTAINED: None

7 VACANT: None

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10 Sal Quintero, Chairman of the Board of
11 Supervisors of the County of Fresno

12 ATTEST:

13 BERNICE E. SEIDEL

14 Clerk of the Board of Supervisors

15 County of Fresno, State of California

16 By: 
17 _____

18 Deputy