



# Board Agenda Item 43

---

DATE: December 12, 2023

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Second Hearing and Adoption of Ordinance 13.28 of the Fresno County Ordinance Code, as Amended - Leases and licenses excluded from formal bidding procedures

RECOMMENDED ACTION(S):

**Conduct a second hearing and adopt Chapter 13.28 of the Fresno County Ordinance Code, as amended, entitled “Leasing and Licensing of Any Real Property Belonging to, Leased by, or Licensed by the County,” which sets the informal bidding procedures for the leasing and licensing of any real property belonging to, leased by, or licensed by the County; and waive reading of the proposed Ordinance in its entirety.**

Approval of the recommended action will amend Chapter 13.28 of the County Ordinance Code relating to County's lease or license of real property, which includes amending provisions in two sections within Chapter 13.28.

Adoption of the entire Chapter, as amended, is appropriate because the authority of the County Administrative Officer, or their designee (CAO), under Section 13.28.040, is referenced in various provisions in Chapter 13.28, and that CAO authority expires on December 31, 2023, prior to the second Board hearing on this Item.

The amended provisions will allow the CAO to approve and execute leases or licenses on behalf of the County with a duration not exceeding ten years and an estimated monthly rent not exceeding \$10,000, and will authorize the CAO, or their designee, to approve and execute leases under Chapter 13.28 until December 31, 2028.

The amended provisions will continue to establish informal bidding procedures, when applicable, and to exclude from formal and informal bidding procedures a lease, sublease or license of County real property not exceeding 10 years and having an estimated monthly rental of \$35,000 per month, as long as the lessee or licensee provides a service to or for the benefit of the County, the state, or any local public agency. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved by your Board, all leases and licenses of County Real Property will come before your Board for approval and execution. If the recommended actions are not approved, the County will also not be able to pursue any potential sublease with an estimated monthly rental of \$35,000 per month where the lessee or licensee provides a service to or for the benefit of the County, such as leasing the Emergency Medical Services (EMS) building to the County's EMS service provider, and would need to find a different legal mechanism for doing that.

FISCAL IMPACT:

There is no fiscal impact as a result of the recommended action.

DISCUSSION:

On November 28, 2023, your Board conducted the first hearing to adopt Chapter 13.28 of the Fresno County Ordinance Code, as amended, relating to County's lease or license of real property.

The recommended action will allow your Board to adopt Chapter 13.28 of the Fresno County Ordinance Code, as amended, to change Section 13.28.030 (A) and (B) and 13.28.040 (A) as discussed below. It is appropriate for the entire Chapter 13.28 of the County Ordinance to be adopted, as amended, because the CAO's authority to execute leases or licenses which is referenced in various provisions of Chapter 13.28, expires on December 31, 2023. The proposed Ordinance will not take effect until 30 days after adoption, which is January 11, 2024.

The proposed amendment of Section 13.28.010 readopts the existing language in the provision that the County shall follow the procedures for the leasing and licensing of any real property belonging to, leased by, or licensed by the County set forth in Chapter 13.28, instead of the formal bidding procedures.

The proposed amendment of Section 13.28.020 (A) through (D) readopts the existing language in the provisions, which outline the informal bidding procedures for the leasing and licensing of any real property belonging to, leased by, or licensed by the County.

The proposed amendment of Sections 13.28.030 (A) and (B), will allow the CAO, or their designee (CAO) to approve and execute leases or licenses with a duration not exceeding ten years and having an estimated monthly rental not exceeding ten thousand dollars (\$10,000), which is the full amount and term allowed under its enabling authority, Government Code Section 25537(b). The current authority granted to the CAO limits executing leases or licenses on behalf of the County to not exceed five years or five thousand dollars (\$5,000) per month.

The proposed amendment of Section 13.28.030(C) readopts the existing language in the provision that a lease or license of County real property for a duration not exceeding ten years and having an estimated monthly rental not exceeding thirty-five thousand dollars (\$35,000) may be excluded from the formal and information bidding procedures, as long as the lessee or licensee is providing a service to, or for the benefit of, the County, the State, or any local public agency.

The proposed amendment to Section 13.28.040(A) reauthorizes the CAO in his or her discretion, to approve and execute leases or licenses as lessor or licensors, pursuant to sections 13.28.020 and 13.28.030(A) and (B) for five years, aligning with Government Code Section 25537(c)(2), as the current authority under Section 13.28.040(A) expires December 31, 2023.

Finally, per Government Code Section 25537(c)(3), prior to approving and executing a lease or license pursuant to Sections 13.28.030(A) or (B), the CAO, or his/her designee, must provide written notice to the Supervisor for the district where the County real property at issue is location. If the Supervisor objects in writing to the proposed lease or license within fifteen working days of receipt of the notice, the lease or license shall be submitted for approval by the Board of Supervisors at a regular meeting.

Should your Board approve the recommended action, Chapter 13.28 of the County Ordinance code, as amended, will take effect January 11, 2024.

REFERENCE MATERIAL:

BAI #7, November 28, 2023

BAI #38, January 8, 2019  
BAI #10, December 4, 2018

ATTACHMENTS INCLUDED AND/OR ON FILE:

Ordinance  
Ordinance - Redlined

CAO ANALYST:

Ahla Yang