

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

ORDINANCE NUMBER \_\_\_\_\_

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 ~~five-ten (5)(10)~~ years and  
14 having an estimated monthly rental not exceeding ~~five-ten~~ thousand dollars  
15 ~~(\$5,000)(\$10,000)~~ may be excluded from the formal bidding procedures of Government  
16 Code Sections 25526 et seq., and 25537(a), as well as the informal bidding procedures  
17 set forth in Section 13.28.020 above. If excluded from these bidding procedures, the  
18 lease or license shall 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 ~~five-ten (5)(10)~~ years,  
23 shall not exceed ~~five-ten~~ thousand dollars ~~(\$5,000)(\$10,000)~~ per month, and shall not be  
24 renewable.
- 25 C. A lease or license of county real property of a duration not exceeding ten (10) years and  
26 having an estimated monthly rental not exceeding thirty-five thousand dollars (\$35,000)  
27 may be excluded from the formal bidding procedures of Government Code Sections  
28 25526 et seq. and Section 25537(a), as well as the informal bidding procedures set forth  
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

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

8 **13.28.040 - Authority to execute lease and licenses.**

9 **A.** The county administrative officer, or his/her designee is authorized to approve and  
10 execute leases and licenses let pursuant to sections 13.28.020 and 13.28.030(A) and  
11 (B) above. Such authority ~~will expire December 31, 2023~~will expire December 31, 2028.

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

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

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

///

///

1 ///

2 The FOREGOING was passed and adopted by the following vote of the Board of  
3 Supervisors of the County of Fresno this \_\_\_\_ day of \_\_\_\_\_, 2023, to wit:

4 AYES:

5 NOES:

6 ABSENT:

7 ABSTAINED:

8 VACANT:

9 \_\_\_\_\_  
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  
17 By: \_\_\_\_\_

18 Deputy