

1 BEFORE THE BOARD OF SUPERVISORS

2 OF THE COUNTY OF FRESNO

3 STATE OF CALIFORNIA

4 ORDINANCE NUMBER 25-005

5 AN ORDINANCE TO

6 AMEND AND RENAME SECTION 13.28.020 (INFORMAL BIDDING PROCEDURES)

7 TO SECTION 13.28.020 (INFORMAL BIDDING PROCEDURES, GENERALLY)

8 AND TO

9 ADD SECTION 13.28.021 (INFORMAL BIDDING PROCEDURES, NAMING RIGHTS

10 FOR ELIGIBLE COUNTY FACILITIES)

11 OF

12 CHAPTER 13.28 (LEASING OR LICENSING OF ANY REAL PROPERTY BELONGING

13 TO, LEASED BY, OR LICENSED BY THE COUNTY)

14 OF THE

15 ORDINANCE CODE OF THE COUNTY OF FRESNO

16  
17 The Board of Supervisors of the County of Fresno ("Board of Supervisors") hereby finds  
18 and declares the following:

19 WHEREAS, Section 13.28.010 (Alternate Procedures) of the Ordinance Code of the  
20 County of Fresno ("Ordinance Code") provides, in relevant part, that the county shall follow the  
21 procedures set forth in Chapter 13.28, when applicable, for the leasing and licensing of any  
22 real property belonging to, leased by, or licensed by the county ("county real property")  
23 instead of the formal bidding procedures set forth in Government Code Sections 25526 *et*  
24 *seq.*;

25 WHEREAS, Section 13.28.020 (Informal Bidding Procedures) of the Ordinance Code  
26 sets forth the informal bidding procedures for every lease or license, except those excluded  
27 from bidding procedures as provided in Section 13.28.030 of the Ordinance Code; and  
28

1 WHEREAS, the Board of Supervisors desires to amend and rename Section 13.28.020  
2 of, and to add Section 13.28.021 (Informal Bidding Procedures, Naming Rights For Eligible  
3 County Facilities) to, the Ordinance Code to authorize the County to grant a license to any  
4 successful bidder who enters into a naming rights agreement for the term provided therein,  
5 upon terms and conditions acceptable to the County, for such successful bidder's naming of an  
6 eligible County facility under such naming rights agreement; and

7 WHEREAS, after duly giving all required public notices, and an opportunity for the public  
8 to speak and present evidence for and against this ordinance, the Board of Supervisors, having  
9 complied with all applicable requirements of the law, takes the following actions.

10 NOW THEREFORE, the Board of Supervisors of the County of Fresno hereby ordains as  
11 follows:

12  
13 **Section 1.** That the Ordinance Code of the County of Fresno is hereby amended by  
14 renaming the title of Section 13.28.020 and amending Section 13.28.020.A of Section 13.28.020  
15 – Informal bidding procedures to read as follows:

16  
17 “Section 13.28.020 – Informal bidding procedures, generally.

18 A. Every lease or license, except those excluded from bidding procedures as provided in  
19 Section 13.28.030 below, and except those licenses for naming rights under Section  
20 13.28.021, below, shall be let pursuant to the informal bidding procedures set forth in  
21 this section.”

22  
23 **Section 2.** That the Ordinance Code of the County of Fresno is hereby amended by  
24 adding Section 13.28.021 – Informal bidding procedures, Naming Rights for Eligible County  
25 facilities, to read as follows:

26  
27 “Section 13.28.021 – Informal bidding procedures, naming rights for eligible County  
28 facilities.

- 1 A. When the county administrative officer or the board of supervisors designates any  
2 county facility, located on any county real property, as an eligible facility for purposes of  
3 this Section, the provisions of this section shall apply instead of the provisions of Section  
4 13.28.020.
- 5 B. "Naming rights" means the rights of a successful bidder under a naming rights  
6 agreement between the county and a successful bidder consummated under the  
7 procedures in this section by which agreement the successful bidder pledges to pay,  
8 and pays, the county an agreed upon aggregate amount, under a fixed time schedule  
9 for paying installments of such amount, in exchange for the successful bidder's right to  
10 name an eligible county facility for the term of the naming rights agreement.
- 11 C. The county administrative officer, or his/her designee, shall issue a call for written bids  
12 from any interested person, based on the administrative policy (or other policy or action  
13 of the board of supervisors, and any management directive of the county administrative  
14 officer with respect to naming rights of eligible county facilities. The call for bids shall be  
15 in writing and shall describe the eligible county facility, and state the naming rights to be  
16 licensed for the eligible county facility, the minimum fee to be pledged and paid for the  
17 naming rights, and the proposed term (including early termination) and terms and  
18 conditions of the naming rights as set forth in an available form of proposed naming  
19 rights agreement. The call for bids will also include when and where written bids for the  
20 naming rights, including the naming rights agreement, will be received, and, when and  
21 where such written bids will be opened, as well as when and where oral bids for the  
22 naming rights may be received following such opening of such written bids, provided  
23 that such oral bids comply with all the requirements for written bids. The license for the  
24 naming rights for an eligible county facility shall only be set forth in the naming rights  
25 agreement with respect to such eligible county facility. The call for bids shall be posted  
26 in at least three public places for not less than fifteen days and published for not less  
27 than two weeks in a newspaper of general circulation that is published in the county of  
28 Fresno.

1 D. The county administrative officer, or his/her designee, shall open the written bids to  
2 license the naming rights for the eligible county facility at the place and time specified in  
3 the call for bids, and following such opening of such written bids, shall receive any oral  
4 bids provided that such oral bids comply with all the requirements for written bids. In the  
5 event the highest proposal is an oral bid, the bidder of the oral bid shall promptly at the  
6 conclusion of such oral bidding execute and deliver to the county administrative officer,  
7 or his/her designee, a written bid (or if such bidder of the oral bid timely submitted a  
8 written bid, such bidder shall re-execute its written bid reflecting the oral bid). The  
9 apparent highest proposal shall be announced by the county administrative officer, or  
10 his/her designee, provided however, the county administrative officer, or his/her  
11 designee, shall examine the apparent highest proposal to determine if it is responsive to  
12 the call for bids. At such time and place that the county administrative officer, or his/her  
13 designee, announces the apparent highest proposal, he or she shall also announce the  
14 anticipated date when the county administrative officer, or his/her designee, will  
15 announce the highest proposal (and the county administrative officer, or his/her  
16 designee, may further announce any continued date by posting such information on the  
17 county's web page for the county administrative office). If the county administrative  
18 officer determines that the apparent highest proposal is not responsive to the call for  
19 bids, the county administrative officer, or his/her designee, will announce the new  
20 apparent highest proposal, and shall undertake the same procedures for such new  
21 apparent highest proposal under this section. The county administrative officer shall  
22 repeat these procedures until he or she either identifies a highest proposal or determines  
23 that there are no responsive proposals to the call for bids. If the county administrative  
24 officer determines that there are no responsive proposals to the call for bids, the county  
25 administrative officer, or his/her designee, will announce the same by posting such  
26 information on the county's web page for the county administrative office.

- 27 1. If the apparent highest proposal is responsive to the call for bids, such proposal  
28 will be considered as the highest proposal for the license, including the naming

rights agreement, and the county administrative officer, or his/her designee, will present an execution-ready form of the naming rights agreement to the successful bidder of such submitted highest proposal. The county administrative officer, or his/her designee, may, but is not required, make any modification to the proposed naming rights agreement that the county administrative officer deems to be in the best interest of the county and consistent with the call for bids before presenting the proposed naming rights agreement for execution to the successful bidder, provided however, the license for the naming rights for an eligible county facility shall only be set forth in the naming rights agreement with respect to such eligible county facility. The successful bidder shall execute and return to the county administrative office the proposed execution-ready naming rights agreement within five county business days of delivery thereof by the county administrative officer, or his/her designee (if the county administrative officer, or his/her designee mails the proposed execution-ready naming rights agreement to the successful bidder, three county business days shall be added thereto); if the successful bidder fails to timely execute and return to the county administrative office, the execution-ready naming rights agreement, in the form and content thereof delivered by the county administrative officer, or his/her designee, the successful bidder shall be deemed to have withdrawn its bid, and its bid shall thereupon be deemed as not responsive to the call for bids.

2. If the apparent highest proposal is not responsive to the call for bids, such proposal will not be considered (or will not be further considered if initially considered as provided above) by the county administrative officer or otherwise by the board of supervisors, and will not be deemed as rejected.

E. The county administrative officer, or his/her designee, shall present the proposed naming rights agreement with the successful bidder who submitted the highest proposal for the license, including the naming rights agreement, to the board of supervisors, at their regular meeting, for acceptance or rejection. The board of supervisors must either

1 accept the proposed naming rights agreement, which includes the license for naming  
2 the eligible county facility, or reject all bids."

3  
4 **Section 3.** This ordinance shall take effect on the 30<sup>th</sup> day after final adoption.

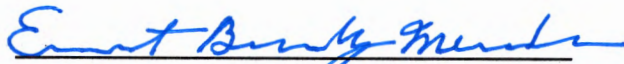
5 THE FOREGOING, was passed and adopted by the following vote of the Board of  
6 Supervisors of the County of Fresno this 28<sup>th</sup> day of January, 2025, to wit:

7  
8 AYES: Supervisors Bredefeld, Chavez, Magsig, Mendes, Pacheco

9 NOES: None

10 ABSENT: None

11 ABSTAINED: None

12 

13 Ernest Buddy Mendes, Chairman of the  
14 Board of Supervisors of the County of Fresno

15  
16 ATTEST:  
17 Bernice E. Seidel  
18 Clerk of the Board of Supervisors  
19 County of Fresno, State of California

20 By:   
21 Deputy

22 FILE # 24-1479  
23 AGENDA # 26  
24 ORDINANCE # 25-005  
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