

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NUMBER 19-002

AN ORDINANCE AMENDING CHAPTER 13.28 OF THE ORDINANCE CODE OF THE
COUNTY OF FRESNO, "LEASING OF COUNTY PROPERTY" AND RENAMING THAT CHAPTER,
"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. That Chapter 13.28 of the Ordinance Code of the County of Fresno is hereby renamed,
"Leasing or Licensing of Any Real Property Belonging to, Leased by, or Licensed by the County."

Section 2. That Section 13.28.010 is hereby amended to read 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.

Section 3. That Section 13.28.030 of the Ordinance Code of the County of Fresno is hereby amended
to read as follows:

13.28.030 – Leases and licenses excluded from bidding procedures.

- A. At the discretion of the county administrative officer, or his/her designee, a lease or license of
any county real property of a duration not exceeding five (5) years and having an estimated
monthly rental not exceeding five thousand dollars (\$5,000) may be excluded from the formal
bidding procedures of Government Code Sections 25526 et seq., and 25537(a), as well as the

informal bidding procedures set forth in Section 13.28.020 above. If excluded from these bidding procedures, the lease or license shall be let pursuant to this section.

- B. The county administrative officer, or his/her designee, shall negotiate in the name of the county as lessor or licensor of the excluded lease or license. Notice of the letting of the lease or license shall be provided pursuant to Government Code Section 25537(b) and (d). The term of the executed lease or license shall not exceed five (5) years and shall not be renewable. The actual monthly rental set forth in the executed lease or license shall not exceed five thousand dollars (\$5,000) per month.
- C. A lease or license of county real property of a duration not exceeding ten (10) years and having an estimated monthly rental not exceeding thirty-five thousand dollars (\$35,000) may be excluded from the formal bidding procedures of Government Code Sections 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 upon lease based upon the area and condition of the building. Notice of the letting of the lease or license shall be provided pursuant to Government Code Section 25537(b). The term of the executed lease or license shall not exceed ten (10) years and shall not be renewable. The actual monthly rental set forth in the executed lease or license shall not exceed thirty-five thousand dollars (\$35,000) per month. A lease or license entered into pursuant to this Section 13.28.030(C) must be approved and executed by the board of supervisors.

Section 3. That Section 13.28.040 of the Ordinance Code of the County of Fresno is hereby amended to read as follows:

13.28.040 - Authority to execute lease and licenses.

- 1 A. The county administrative officer, or his/her designee is authorized to approve and execute
2 leases and licenses let pursuant to Sections 13.28.020 and 13.28.030(A) and (B) above. Such
3 authority shall expire on December 31, 2023.
- 4 B. The county administrative officer, or his/her designee, shall provide written notice to the
5 supervisor for the district in which the county real property proposed to be leased or licensed is
6 located, as required by Government Code Section 25537(c)(3), prior to approving and executing
7 a lease or license pursuant to Sections 13.28.030(A) or (B). Such written notice is deemed
8 received upon personal delivery to the supervisor's office or three days after mailing, postage
9 paid, in the U.S. mail. If the supervisor objects in writing to the proposed lease or license within
10 fifteen working days of receipt of the notice, the lease or license shall be submitted for approval
11 by the board of supervisors at a regular meeting.

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13 Section 2: This ordinance shall take effect thirty (30) days after final passage.

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1 THE FOREGOING was passed and adopted by the following vote of the Board
2 of Supervisors of the County of Fresno this 8th day of January, 2019, to wit:


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4 AYES: Supervisors Magsig, Mendes, Pacheco, Quintero

5 NOES: None

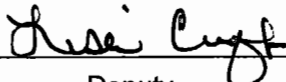
6 ABSENT: None

7 ABSTAINED: None

8 VACANT: District 2


Nathan Magsig, Chairman of the Board of
Supervisors of the County of Fresno

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11 **ATTEST:**
12 Bernice E. Seidel
13 Clerk of the Board of Supervisors
County of Fresno, State of California

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15 Deputy