

ORDINANCE NO. 2024 - 13

AN ORDINANCE ADDING CHAPTER 4.29 TO TITLE 4 OF THE ALAMEDA COUNTY ADMINISTRATIVE CODE TO ESTABLISH THE ALTERNATIVE METHOD OF AWARD OF LEASES AND LICENSES BY THE BOARD OF SUPERVISORS FOR COUNTY OWNED PROPERTIES

IT IS HEREBY ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA THAT THE ALAMEDA COUNTY ADMINISTRATIVE CODE IS AMENDED AS FOLLOWS:

SECTION I

Chapter 4.29 is added to Title 4 of the Administrative Code of the County of Alameda, to read as follows:

Chapter 4.29 – Alternative method of award of leases and licenses for County of Alameda owned or leased real property

Section 4.29.010. If the Director of the General Services Agency determines that the real property owned or leased by the County, excluding property purchased with road funds, should be made available for lease or license, the Board of Supervisors may in lieu of the procedures required by Government Code section 25526 to 25535, inclusive, offer such real property for lease or license pursuant to the procedures in this Chapter.

Section 4.29.020. The Board of Supervisors when utilizing the alternative method of leasing or licensing shall adopt a resolution announcing a call for bids. The call for bids shall briefly describe or identify the property proposed to be leased or licensed, specify the terms upon which it shall be leased or licensed, including in the Board of Supervisor's discretion a minimum rental amount, fix a time and place at which the Director of General Services Agency shall receive written bids for such lease or license. The call for bids shall be posted in at least three public places in Alameda County for not less than 15 days prior to the time fixed for receipt of bids and shall be published once each week for not less than two weeks prior to such time in a newspaper of general circulation published in the Alameda County. The call for bids may refer to documents on file in the office of the General Services Agency for the exact description of the property to be leased or licensed and for the full detail of the terms and conditions of the proposed lease or license.

Section 4.29.030. Should multiple offers to lease or license be received, the lease or license shall be awarded to the entity or person submitting the highest proposal in response to a call for bids following notice as may be required by Sections 4.29.020 and 4.29.050. The Board of Supervisors must either accept the highest proposal submitted in accordance with these procedures or reject all bids. Where so directed by the Board of Supervisors, the Director of the General Services Agency may negotiate such additional terms and conditions of the lease or license not inconsistent with the terms of the winning bid.

Section 4.29.040. Notwithstanding Sections 4.29.020 and 4.29.030, the Board of Supervisors may, following notice required by this Section and Section 4.29.050, without any advertised call for bids,

negotiate and execute any nonrenewable lease or license of a duration not exceeding ten (10) years, and having an estimated monthly rental not exceeding \$200,000. Where the rental amount of the lease or license is not fixed, the Board of Supervisors shall make findings that the estimated rental amount shall not exceed \$200,000. The Board of Supervisors may amend any lease or license entered into pursuant to this Section 4.29.040, provided that such amendment does not extend the term of the lease or license beyond a total of 10 years or renew the lease or license term. Notice of any proposed lease or license under Section 4.29.040 shall be given as required by Government Code sections 25537(b). The authority to execute leases and licenses with an estimated monthly rental not exceeding \$200,000 or an estimated \$200,000, shall expire on April 16, 2026, unless extended by the Board of Supervisors by amendment. In the event of such expiration, the maximum monthly rental, or estimated monthly rental, of any lease or license awarded pursuant to Chapter 4.29 shall be the maximum amount allowed under Government Code section 25537.

Section 4.29.050 Any notice required by Chapter 4.29 shall also be mailed or delivered at least 15 days prior to accepting offers to lease or license pursuant to this Section to any person who has filed a written request for notice with either the Clerk of the Board or the Director of the General Services Agency. Such requests must be annually renewed in writing. The notice shall describe the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to lease or license the property will be accepted, the location where leases or licenses will be executed, and any county officer authorized to execute the lease or license.

SECTION II

- A. This ordinance shall take effect thirty (30) days from and after the date of passage.
- B. Before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of Alameda.

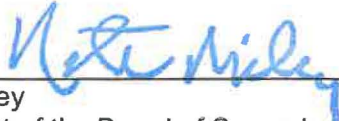
Adopted by the Board of Supervisors of the County of Alameda, State of California, on April
30, 2024, by the following called vote:

AYES: Supervisors Haubert, Marquez, Tam, Carson and President Miley - 5

NOES: None

EXCUSED: None

ABSTAINED: None



Nate Miley
President of the Board of Supervisors
County of Alameda, State of California

ATTEST:
Clerk of the Board of Supervisors
County of Alameda

By: Nancy Funch, Deputy

APPROVED AS TO FORM:
DONNA R. ZIEGLER
COUNTY COUNSEL

DocuSigned by:
Andrew Massey
By: 8DB091100 Andrew J. Massey
Senior Deputy County Counsel