

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, ADDING SECTIONS 4-203 AND 4-204 TO THE FRESNO MUNICIPAL CODE CONCERNING DISPOSITION OF REAL PROPERTY.

WHEREAS, Article 2 of Chapter 4 of the Fresno Municipal Code provides for the sale or mortgage of property; and

WHEREAS, the Council wishes to adopt procedures for the disposition of real property.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1: SECTION 4-203 is added to the Fresno Municipal Code to read:

SECTION 4-203. SURPLUS REAL PROPERTY.

(a) "Surplus land" shall mean real property owned by the City that is determined to be no longer necessary for the City's use, except property being held for the purpose of exchange. Property is not surplus if the City has some purpose in mind for its use.

(b) Prior to disposing of real property, Council shall make a determination whether such property is surplus land pursuant to Government Code sections 54220 et seq. (the "Surplus Land Act"). In the case of property valued at \$50,000 or less, City Manager shall determine whether property is surplus land.

(c) Prior to disposing of surplus land, City shall comply with the requirements of the Surplus Land Act. If surplus land is not transferred pursuant to the Surplus Land Act, the property shall be subject to Section 4-204.

SECTION 2: SECTION 4-204 is added to the Fresno Municipal Code to read:

SECTION 4-204. DISPOSITION OF REAL PROPERTY.

(a) Except for sales made pursuant to Section 4-203 or Subsection (b) below, real property may be sold only after an open and competitive request for proposals (RFP) process initiated by Council action.

(1) An evaluation committee, to be selected prior to publication of the RFP, shall interview potential purchasers, review and rank all purchase proposals based on a predetermined set of criteria as set forth in the RFP, and make recommendations for selection of a purchaser. The committee at a minimum shall consist of two employees from the affected department as well as at least two employees and/or members of the public. The composition of the committee shall be at the discretion of the City Manager. Information provided to and prepared by the committee shall not be deemed a public record until such time as a contract shall be placed on the agenda for Council consideration.

(2) Once an RFP has been finalized, the affected department shall advertise the Notice Inviting Proposals for Purchase of City Property in a local newspaper of general circulation and on the city website. Property owners within 1,000 feet of the subject property shall be provided specific notice of the RFP.

(3) Contracts for the sale of real property are determined on a “best value” basis, not solely price. In determining best value, the factors to be considered may include, without limitation: price; community benefits; record of business with the City and others; credit record; local employment; experience; qualifications; local tax contribution; and any other legal factor the Council expressly finds is applicable to sale of the property.

(4) After proposals are tendered, the full text of all proposals shall be made available to the committee. The committee shall convene, when applicable, and interview no fewer than the top three ranked proposers, request a proposer’s “Last, Best and Final” offer based on information and/or clarification provided during the interview, which will be used to support a recommendation to the Council as to which proposer should be selected to purchase the property, or to reject all proposals,

including rankings of the top three proposers, along with a written explanation for the rankings, and/or rejection of the proposals.

(5) All documents, ranking criteria, and scores provided to or produced by the committee shall be made available to all Councilmembers no later than the time the contract is placed on the agenda for Council consideration.

(6) Any potential purchaser who does not submit a response to the RFP shall be ineligible to purchase the property for one year following the close of the RFP, except pursuant to a subsequent RFP process.

(b) The competitive sale process set forth in Subsection (a) shall not be required for the following:

(1) Sale of property to an adjacent property owner who is assembling property for a project;

(2) Sale of property less than 20,000 square feet in size;

(3) Where Council determines good cause exists to dispose of the property in another manner.

SECTION 3. SEVERABILITY. The City Council declares that the provisions of this ordinance are severable. If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2019.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2019
Mayor Approval/No Return: _____, 2019
Mayor Veto: _____, 2019
Council Override Vote: _____, 2019

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Assistant City Attorney Date