

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, AMENDING THE BETTER BUSINESS ACT TO ADD AN EXCEPTION FOR EXCLUSIVE NEGOTIATING AGREEMENTS PERTAINING TO PRIVATE PROJECTS ON CITY OWNED PROPERTY THAT ARE ANTICIPATED TO PROVIDE A SUBSTANTIAL PUBLIC BENEFIT

WHEREAS, the Better Business Act (the Act) was adopted by Council on May 21, 2009, and amended September 26, 2013, November 20, 2014, January 14, 2016, and April 27, 2023; and

WHEREAS, the Council now wishes to amend the Act to allow for exemption for Exclusive Negotiating Agreements that pertain to private projects proposed to be located on City owned property and that are anticipated to provide a substantial public benefit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The following language shall be added to Section 2 of the Act:

Exclusive Negotiating Agreements (ENA) that are entered into by the City and an applicant shall be exempt upon the adoption of a finding that the ENA meets the following criteria:

- a) The ENA is for the purpose of negotiating the terms and conditions of a private project that will be located on City owned property; and

- b) The contemplated project will provide a substantial public benefit which includes, but is not limited to, improved access to public and/or recreational facilities, restoration of parks and/or open space, improvements designed to

1 of 2

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

291280v2



Resolution No.

comply with the Americans with Disabilities Act, and improvements to facilities on City owned property for public use.

2. This resolution shall be effective upon final approval.

* * * * *

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

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER, CMC
City Clerk

By: _____ Date
Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____ Date
Talía Kolluri
Assistant City Attorney