

ORDINANCE 2018-###

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING SECTIONS 3.16.070(B)(3) AND 3.16.110(A) OF THE SAN PABLO MUNICIPAL CODE TO MAKE CONSISTENT THE PROVISIONS REGARDING THE CITY MANAGER'S CONTRACTING AUTHORITY

SECTION 1. Section 3.16.070(B)(3), "Public projects" of the San Pablo Municipal Code is amended to read as follows:

. . .

3. Award of Contracts. The city manager is authorized to award and execute all contracts of ~~twenty-five~~ **fifty** thousand dollars or less. The city manager or designee shall make recommendations to the city council for purposes of award of all other contracts under this section.

. . .

[All other provisions of Section 3.16.070 remain]

SECTION 2. Section 3.16.110(A), "Exceptions to bid policy" of the San Pablo Municipal Code is amended to read as follows:

The bidding procedures may be dispensed with in the following circumstances:

A. Consultants. Contracts involving the acquisition of professional or specialized services, such as but not limited to services rendered by architects, attorneys, engineers, accountants and other classes where the city must depend upon the skill, integrity, judgment and ability of the service, are exempted from the formal and informal contracting requirements of this chapter. All such contracts shall be awarded by the city to the consultant whose proposal is evaluated to be the most responsive to the needs of the city, as determined by the city manager or, in the case of contracts exceeding ~~twenty-five~~ **fifty** thousand dollars, the city council.

1. Notwithstanding any other provision of law . . .

[All other provisions of Section 3.16.110 remain]

SECTION 3. Severability. If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

SECTION 4. CEQA. This ordinance is not a project under CEQA pursuant to Guidelines Section 15378(b)(5): Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. If a project, then the ordinance is exempt from the provisions of the California Environmental Quality Act, (CEQA), under CEQA Guidelines § 15061(b)(3), in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The City Manager is directed to ensure that a notice of exemption is filed immediately with the County Clerk.

SECTION 5. Effective Date; Publication. This ordinance shall become effective thirty (30) days following its adoption. The City Clerk's Office shall publish and post the ordinance in accordance with California Government Code section 36933.

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First read at a regular meeting of the City Council of the City of San Pablo on March 5, 2018 and finally passed and adopted at a regular meeting of said City Council held on the _____, 2018, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

Elizabeth Pabon-Alvarado, City Clerk

Genoveva Garcia Calloway, Mayor