

**CITY OF OJAI
ORDINANCE NO. 896**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OJAI, CALIFORNIA, AMENDING OJAI MUNICIPAL CODE SECTION 7-4.05 “AWARD OF CONTRACTS” TO ALIGN WITH THE MONETARY THRESHOLDS OF THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT AND FINDING THAT THE ADOPTION OF THIS AMENDMENT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, in 2002, the City of Ojai adopted an ordinance to comply with the requirements of the Uniform Public Construction Cost Accounting Act (“Act”), Public Contract Code section 22000 et seq.; and

WHEREAS, Section 22032 sets monetary thresholds determining when a public project may be completed by City employees, let out to contract by informal bidding procedures, or let out to contract by formal bidding procedures; and

WHEREAS, on August 20, 2018, the Governor signed into law Assembly Bill 2249 (“AB 2249”), which will take effect on January 1, 2019; and

WHEREAS, AB 2249 authorizes public projects of \$60,000 or less to be performed by the employees of a public agency, authorizes public projects of \$200,000 or less to be let to contract by informal procedures, and requires public projects of more than \$200,000 to be let to contract by formal bidding procedures. AB 2249 also permits the City Council, in the event of all bids received for the performance of that public project are in excess of \$200,000, to award the contract to \$212,500 or less to the lowest responsible bidder if the City Council determines the City’s cost estimate was reasonable.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above set forth recitals and findings are true and correct and incorporated herein by reference, as if set forth herein in full.

/ **SECTION 2. Text Amendment.** Ojai Municipal Code section 7-4.05 is hereby amended to read as follows, with additions marked by underlined text and deletions marked by ~~struck-through~~ text:

“Section 7-4.05. Award of contract.

- (a) Public projects of ~~twenty five thousand dollars (\$25,000.00)~~ sixty thousand dollars (\$60,000.00) or less may be performed by the employees of the City by force account, by negotiated contract, or by purchase order.
- (b) Public projects of ~~one hundred thousand dollars (\$100,000.00)~~ two hundred thousand dollars (\$200,000.00) or less may be let to contract by informal procedures as set forth in Public Contract Code, Part 3, Chapter 2 (commencing with Section 22000).
- (c) Public projects of more than ~~one hundred thousand dollars (\$100,000.00)~~ two hundred thousand dollars (\$200,000.00) shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure.”

SECTION 3. Environmental Determination. The City Council determines that the following findings and conclusions reflect the independent judgment of the City Council. The City Council finds that the adoption of the foregoing proposed text amendment is exempt from review under the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15301 of the CEQA Guidelines and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines sections 15002(k)(1) and 15061, subdivision (b)(3) and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to the Ordinance have no potential for resulting in physical changes in the environment because it clarifies monetary thresholds for informal bidding and does not directly or indirectly approve any applications for particular projects. Any particular proposed project will be required to obtain a City development permit and undergo appropriate review under CEQA.


SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 5. Construction. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law, including the Public Contracting Code, and this Ordinance shall be construed in light of that intent.

SECTION 6. Certification. The City Clerk shall cause this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Ojai Valley News*, a newspaper of general circulation, printed, published and circulated in the City, and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

SECTION 7. Effective Date. This Ordinance shall take effect on January 1, 2019, which is at least 30 days after its passage and adoption pursuant to California Government Code Section 36937, and shall supersede any conflicting provision of any City of Ojai ordinance, and shall continue in effect until terminated by further action of the City Council in accord with applicable law.


CITY OF OJAI, CALIFORNIA

By: 
John F. Johnston, Mayor
5-28-19
Date signed

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:



Matthew T. Summers, City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA)
CITY OF OJAI)

City of Ojai
Ordinance No. 896

I, Gail Davis, Deputy City Clerk of the City of Ojai do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ojai held on March 26, 2019 and adopted at a regular meeting held on April 26, 2019 by the following vote:

AYES: Blatz, Francina, Haney, Johnston, Weirick
NOES: None
ABSTAIN: None
ABSENT: None



Gail Davis
Deputy City Clerk for the City of Ojai