

ORDINANCE NO. 14-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 3.42 CONTRACTS AND PURCHASING RELATED TO THE AUTHORITY TO AWARD CONTRACTS

WHEREAS, the City Council wishes to amend Elk Grove Municipal Code (EGMC) Chapter 3.42 Contracts and Purchasing to correct inconsistencies in the authority to award contracts.

NOW, THEREFORE, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend various sections of Elk Grove Municipal Code Chapter 3.42 to correct inconsistencies in the authority to award contracts.

Section 2: Environmental Review/CEQA

Adoption of this ordinance implements an administrative contracting function, is not considered the approval of a project under the California Environmental Quality Act ("CEQA"), and is exempt from CEQA review. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c),(2)(3); 15061(b)(3); 15378(a).)

Section 3: Amendments to Chapter 3.42 of the Elk Grove Municipal Code

Chapter 3.42 of the Elk Grove Municipal Code is amended as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 4: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and

purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 14-2024
INTRODUCED: September 11, 2024
ADOPTED: September 25, 2024
EFFECTIVE: October 25, 2024




BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:


JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:


JONATHAN P. HOBBS,
CITY ATTORNEY

Date signed: September 27, 2024

EXHIBIT A

Elk Grove Municipal Code Chapter 3.42 is hereby amended as follows:

Additions are shown in underline; deletions are shown in ~~strikethrough~~

Section 1: Amendments to Elk Grove Municipal Code Chapter 3.42 Article III Consultant and Professional Services

(a) Section 3.42.130 is hereby amended as follows:

A. Informal Request for Proposal (RFP) Procedures. Except as set forth herein, the procurement of consultant or professional services with a value from Twenty-Five Thousand and 01/100ths (\$25,000.01) Dollars up to Fifty Thousand and no/100th (\$50,000.00) shall be made following the procedure prescribed below:

...

3. Award of Contracts. The City Manager is authorized to award a contract pursuant to this section in accordance with the authorization granted in EGMC Section 3.42.090.

(b) Section 3.42.140 is hereby amended as follows:

...

A. Formal Request for Proposal (RFP) Procedures. Except as set forth herein, the City shall procure consultant or professional services with a value of Fifty Thousand and 01/100ths (\$50,000.01) Dollars or more following the procedure prescribed below:

...

3. Award of Contract. The City Manager is authorized to award a contract for consultant and professional services with a value equal to, or less than, One Hundred Thousand and no/100ths (\$100,000.00) Dollars. The City Council shall ~~award~~ be the awarding authority for a contract for consultant or professional services with a value ~~equal to, or greater than, One Hundred Fifty Thousand and .00no/100ths (\$100,000.0050,000.00)~~ Dollars.

Section 2: Amendments to Elk Grove Municipal Code Chapter 3.42 Article IV Purchasing Commodities and Equipment

(a) Section 3.42.170 is hereby amended as follows:

A. Informal Bidding and Quotation Procedure. The purchase of commodities and equipment from Ten Thousand and 01/100ths (\$10,000.01) Dollars up to Fifty Thousand and no/100ths (\$50,000.00) Dollars may be made in the open market, following the informal bidding and quotation procedure prescribed below:

...

4. Award of Contracts. The department head is authorized to award a contract for Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars or less ~~when the City Council has budgeted funds for the item(s) and the amount of the award is not more than the budgeted amount.~~

5. Award of Contracts. The City Manager is authorized to award a contract pursuant to this section ~~of up to Fifty Thousand and no/100ths (\$50,000.00) Dollars when the City Council has budgeted funds for the item(s) and the amount of the award is not more than the budgeted amount.~~

(b) Section 3.42.180 is hereby amended as follows:

...

A. Formal Bidding Procedures. The City shall purchase commodities and equipment of a value equal to or greater than Fifty Thousand and 01/100ths (\$50,000.01) Dollars following the formal bidding procedure prescribed below:

...

6. Rejection of Bids. At ~~their~~^{its} discretion, the City Manager or the City Council (as applicable given the monetary limitations of this chapter) may reject any and all bids presented, and may re-advertise for bids.

7. Award of Contracts. The City Manager is authorized to award a contract for the purchase of commodities or equipment with a value equal to, or less than, One Hundred Thousand and no/100ths (\$100,000.00) Dollars. The City Council shall be the awarding authority for award a contract for the purchase of commodities or equipment with a value greater than~~ef~~ One Hundred Fifty Thousand and 004/100ths (\$100,000.5000.004) Dollars ~~or more~~. A contract shall be awarded to the responsible bidder with the lowest responsive bid, except as otherwise provided herein. A contract may be awarded to the next lowest responsible bidder if the successful bidder refuses or fails to execute the contract.

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**Section 3: Amendments to Elk Grove Municipal Code Chapter 3.42 Article V
Purchasing of General Services**

(a) Section 3.42.186 is hereby amended as follows:

A. Informal Request for Proposal (RFP) Procedures. Except as set forth herein, the procurement of general services with a value from Ten Thousand and 01/100ths (\$10,000.01) Dollars up to Fifty Thousand and no/100th (\$50,000.00) shall be made following the informal request for proposal procedure prescribed below:

...

3. Award of Contracts. The City Manager is authorized to award a contract pursuant to this section in accordance with the authorization granted in EGMC Section 3.42.090.

(b) Section 3.42.188 is hereby amended as follows:

A. Formal Request for Proposal (RFP) Procedures. Except as set forth herein, the City shall procure general services with a value of Fifty Thousand and 01/100ths (\$50,000.01) Dollars or more following the formal request for proposal procedure prescribed below:

3. Award of Contract. The City Manager is authorized to award a contract for general services with a value equal to, or less than, One Hundred Thousand and no/100ths (\$100,000.00) Dollars. The City Council shall be the awarding authority for award a contract for general services with a value equal to, or greater than, One Hundred Fifty Thousand and .00no/100ths (\$100,000.0050,000.00) Dollars.

...

CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2024

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on September 11, 2024, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 25, 2024, by the following vote:

AYES: **COUNCILMEMBERS:** *Singh-Allen, Brewer, Robles, Spease, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California