

ORDINANCE NO. 2021-007

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF SAN BUENAVENTURA,
CALIFORNIA, AMENDING SECTIONS
4.600.080, "PUBLIC WORKS
CONTRACTS," 4.600.120, "CONTRACTING
AUTHORITY—CITY MANAGER," SECTION
4.600.130, "CONTRACTING AUTHORITY—
CITY ATTORNEY," AND 4.600.230,
"PUBLIC WORKS COMPETITIVE BIDDING;
LOWEST RESPONSIBLE BIDDER," OF
CHAPTER 4.600, "PURCHASING,
CONTRACTS, AND PUBLIC WORKS," OF
THE SAN BUENAVENTURA MUNICIPAL
CODE, AND ADDING A NEW CHAPTER
4.601, "PUBLIC WORKS PROJECTS;
PREVAILING WAGE LAW COMPLIANCE,"
TO THE SAN BUENAVENTURA MUNICIPAL
CODE**

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1. AMENDMENT TO CODE. Section 4.600.080, "Public Works Contract," of the San Buenaventura Municipal is hereby amended to read as follows:

"Sec. 4.600.080. Public Works Project.

1. For purposes of this Chapter, 'Public works project' means any of the following when paid for in whole or in part with public funds:
 - a. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any City

- owned, leased, or operated facility.
 - b. Painting or repairing of any City owned, leased, or operated facility.
- 2. For purposes of this Chapter, 'Public works project' does not include maintenance work. For purposes of this Chapter, 'maintenance work' includes any and all of the following:
 - a. Routine, recurring, and usual work for the preservation or protection of any City owned, leased, or operated facility for its intended purpose.
 - b. Minor repainting.
 - c. Resurfacing of streets, alleys, and parking lots up to and including one inch.
 - d. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - e. Work performed to keep, operate, and maintain City owned water and waste disposal systems.
- 3. For purposes of this Chapter, 'facility' means any plant, building, structure, ground facility, utility system, real property, streets, alleys, and parking lots, and other public work improvement.
- 4. The definition of 'public works project' in this Section 4.600.080 and as used in this Chapter shall have no applicability to the definition of that same term and

as that term is used in Chapter 4.601 of this Code.”

SECTION 2. AMENDMENTS TO CODE. Section 4.600.120, “Contracting Authority—City Manager,” and Section 4.600.130, “Contracting Authority – City Attorney,” of the San Buenaventura Municipal Code are hereby amended to read as follows:

**“Sec. 4.600.120. - Contracting Authority—
City Manager.**

1. The City Manager, or his or her designee pursuant to Section 4.600.180, shall have authority to approve and execute contracts for the acquisition of equipment, materials, supplies, labor, nonprofessional services, public works projects, or other items in an amount not to exceed three hundred thousand dollars (\$300,000).
2. The City Manager, or his or her designee pursuant to Section 4.600.180, shall have authority to approve and execute contracts for professional services in an amount not to exceed sixty thousand dollars (\$60,000).
3. The City Manager, or his or her designee pursuant to Section 4.600.180, shall have authority to approve and execute contracts for the sale or exchange of surplus City personal property, regardless of the value of the property.
4. The City Manager, or his or her designee pursuant to Section 4.600.180, or the manager of any public utility owned, controlled, or operated by the City shall have the authority to approve and

execute contracts for the sale of products, commodities, or services of any public utility owned, controlled, or operated by the City upon forms approved by the City Manager and at rates fixed by the City Council.

5. The sums set forth above shall be adjusted annually by the Director of Finance and Technology, in consultation with the Director of Public Works, by memorandum to his/her official file, beginning in January 2021, in accordance with the Engineering Construction Cost Index—U.S. City Average as published by the *Engineering News Record*. In the event this Cost Index is no longer available, the Director of Finance and Technology, in consultation with the Director of Public Works, shall use a similar index that is standard in the industry to account for inflation in any adjustment.

**Sec. 4.600.130. - Contracting Authority—
City Attorney.**

1. The City Attorney shall have authority to approve and execute contracts for legal services and litigation support services in an amount not to exceed \$60,000.00.
2. The City Attorney shall have authority to approve payment for the following litigation support services in an amount not to exceed \$60,000.00 collectively per matter:

- a. Registered process servers, copy services, investigators, and court reporters;
 - b. Experts and medical examinations;
 - c. Mediators and arbitrators;
 - d. Expert deposition fees and costs; and,
 - e. Jury fees, witness fees, exhibits and trial technology costs.
3. Whenever the delegated contractual authority for the City Manager to execute and approve professional services as set forth in Section 4.600.120 2 is increased pursuant to Section 4.600.120 5 hereof, the same adjustment shall be made to the City Attorney's authority to execute and approve professional services for legal services and related costs and expenses to ensure consistency in the application of delegations and to reduce error in the administration of the City's purchasing and contracting affairs."

SECTION 3. AMENDMENT TO CODE. Section 4.600.230, "Public Works Competitive Bidding; Lowest Responsible Bidder," of the San Buenaventura Municipal is hereby amended to read as follows:

"Sec. 4.600.230. Public Works Competitive Bidding.

1. In the performance of work meeting the definition of a public works project as specified in Section 4.600.080, and in furnishing any supplies or materials for the same, when the expenditures required therefore exceed the sum then set forth as the contracting authority limit

of the City Manager for public works contracts as specified in Section 4.600.120, the same shall be done by contract in accordance with City Charter Article X, Section 1006.

2. In the event the expenditure is less than or equal to said sum identified in Section 4.600.120.1, but more than sixty-thousand dollars (\$60,000), the City Manager may obtain informal bids from qualified contractors and award the contract to the lowest responsible bidder. The City Manager shall establish administrative policies and procedures for award of public works projects by formal and informal bid. In lieu of using the informal bidding process outlined above, the City Manager shall also have the option of using the formal bidding process when he/she determines it to be appropriate.
3. In the event the expenditure is less than or equal to sixty-thousand dollars (\$60,000), the work (including maintenance as defined above) may be performed by the employees of the City by force account, by informal bids from qualified contractors pursuant to subsection 2 above, by negotiated contract, or by purchase order. Notwithstanding the above, water meter installations, fire line installations, connections to the City's water system, and back flow prevention installations, regardless of the amount involved; and pavement resurfacing projects up to one thousand (1,000) tons of asphalt, may be performed by employees of the City

by force account without putting such work out to bid.

4. The sums set forth above shall be adjusted annually by the Director of Finance and Technology, in consultation with the Director of Public Works, by memorandum to his/her official file, beginning in January 2021, in accordance with the Engineering Construction Cost Index—U.S. City Average as published by the *Engineering News Record*. In the event this Cost Index is no longer available, the Director of Finance and Technology, in consultation with the Director of Public Works, shall use a similar index that is standard in the industry to account for inflation in any adjustment.”

SECTION 4. AMENDMENT TO CODE. Chapter 4.601, “Public Works; Prevailing Wage Law Compliance,” is hereby added to the San Buenaventura Municipal Code to read as follows:

“Chapter 4.601

**Public Works, Prevailing Wage Law
Compliance**

Sections:

Sec. 4.601.010. Purposes.

**Sec. 4.601.020. Administrative Policies
and Procedures.**

Sec. 4.601.030. Definitions.

**Sec. 4.601.040. Compliance with
Prevailing Wage Law
Requirements.**

Sec. 4.601.050. Automatic Repeal.

4.601.010. Purposes.

1. To ensure the City is not disqualified from receiving or using state funding or financial assistance for its construction projects pursuant to California Labor Code Section 1782.
2. To establish the requirements and procedures for compliance with Article 2 of the Prevailing Wage Law with respect to public works contracts exceeding the thresholds set forth in California Labor Code Section 1782(d), including without limitation applicable requirements for payment of not less than the prevailing rate of per diem wages, as published or determined by the Department of Industrial Relations of the State of California.

Sec. 4.601.020. Administrative Policies and Procedures.

The City Manager shall promulgate written administrative policies and procedures pursuant to Section 2.315.030 to implement the requirements of this Chapter.

Administrative policies and procedures associated with compliance with the Prevailing Wage Law for Public Works Projects may be consolidated into a procurement manual, which shall be available to the public, and shall establish and describe in detail the requirements and procedures for compliance with the Prevailing Wage Law provisions applicable to the City.

Sec. 4.601.030. Definitions.

1. For purposes of this Chapter, the term 'Public Works Project' has the meaning given to the term 'public works' in Sections 1720-1720.9 and 1771 of the Prevailing Wage Law, as the same now exist or may hereafter be amended. The definition of 'Public Works Project' in this Section 4.601.030 and as used in this Chapter shall have no applicability to the definition of 'Public Works Project' as used in Chapter 4.600 of this Code.
2. For purposes of this Chapter, the term 'Public Works Projects Subject to the Prevailing Wage Law' means all Public Works Projects in excess of Twenty-Five Thousand Dollars (\$25,000) when the project is for construction work and all Public Works Projects in excess of Fifteen Thousand Dollars (\$15,000) when the project is for alteration, demolition, repair, or maintenance work.
3. 'Prevailing Wage Law' means Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the California Labor Code and Subchapter 3 (commencing with Section 16000) of Subchapter 3 of Chapter 8 of Title 8 of the California Code of Regulations, as the same may be amended from time to time.

Sec. 4.601.040. Compliance with Prevailing Wage Law Requirements.

All Public Works Projects Subject to the
Prevailing Wage Law shall be required to

comply with the provisions set forth in Article 2 (commencing with Section 1770) of the Prevailing Wage Law, as the same may be amended from time to time. No Public Works Project Subject to the Prevailing Wage Law shall be split or separated into small portions or work orders for the purpose of evading the requirements of the Prevailing Wage Law.

Sec. 4.601.050. Automatic Repeal.

Should Labor Code Section 1782 be repealed or declared to be invalid and unenforceable by the final non-appealable judgment of a court of competent jurisdiction, this Chapter 4.601 shall automatically be deemed to have been repealed of no further force or effect and the City's rules and regulations with respect to Public Works Projects Subject to the Prevailing Wage Law, as defined herein, shall automatically revert to its former state, unless and to the limited extent that compliance with provisions of the Prevailing Wage Law may otherwise be required pursuant to other applicable provisions of federal or state law."

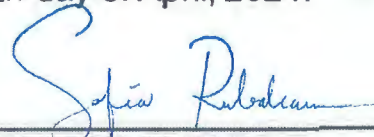
Section 5. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 6. CEQA FINDINGS.

EXEMPTION FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT: The City Council further finds that the enactment of the revisions to the public works contracting procedures in the Municipal Code pursuant to this Ordinance is determined to be exempt under Section 15061(b)3 of the of Title 14 of the California Code of Regulations (the "State CEQA Guidelines") in that the adoption of these procedures merely implements a(n) administrative process that will not foreseeably result in construction activities or other physical activities, either directly or indirectly. It can therefore be foreseen that the enactment of this ordinance does not have the potential to result in significant effects on the environment.

PASSED and ADOPTED this 12th day of April, 2021.



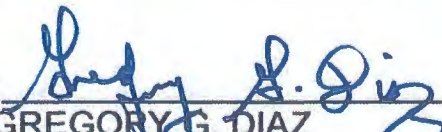
SOFIA RUBALCAVA
Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:  2/9/2021
GREGORY G. DIAZ Date
City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2021-007 that was introduced by said City Council at a regular meeting held March 22, 2021, and adopted by said City Council at a regular meeting held April 12, 2021, by the following vote:

AYES: Councilmembers Sanchez-Palacios, Brown, Johnson, Halter, Friedman, Deputy Mayor Schroeder, and Mayor Rubalcava

NOES: None

ABSENT: None

I further certify that said Ordinance No. 2021-007 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California

April 14, 2021
Date Attested

