

## **ORDINANCE NO. 922**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, AMENDING SECTION 2.36.050 OF THE DUARTE MUNICIPAL CODE RELATING TO EXEMPTIONS FROM PURCHASING REQUIREMENTS.**

**WHEREAS**, in June 2016, the City Council of the City of Duarte adopted Ordinance Number 864 Relating to Purchase of Supplies, Equipment, and Services to better clarify when formal bidding procedures are required, when sole sourced contracts are permitted, and when exemptions to the bidding process is appropriate; and

**WHEREAS**, changes in technology as well as innovative programs and services require the City of Duarte to act nimbly in order to secure quality services, programs, and equipment; and

**WHEREAS**, the City of Duarte strives to provide exemplary services in a timely manner to the public; and

**WHEREAS**, the City of Duarte is committed to fiscal responsibility and obtaining the highest quality service for the best price.

**NOW, THEREFORE**, the City Council of the City of Duarte hereby ordains as follows:

**SECTION 1.** The recitals above are true and correct and incorporated in full herein.

**SECTION 2.** Section 2.36.050 of the Duarte Municipal Code relating to Exemptions from Purchasing Requirements is hereby amended to add paragraph:

(o) When the City Council finds that negotiation, rather than bidding or quotation, shall best serve the city due to the specialized nature of supplies, equipment, programs, or services.

**SECTION 3.** All ordinances, resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

**SECTION 4.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Duarte hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional, invalid, or ineffective.

**SECTION 5.** The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of this Ordinance and cause this Ordinance to be published using the alternative summary and posting procedure authorized under Government Code Section 36933.

**SECTION 6.** The City Council finds and determines that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Government Code Sections 65852.21(j) and 66411.7(n), because proposed code amendments related to purchasing are not considered a “project” for purposes of CEQA and therefore do not require any environmental review under CEQA.

This Ordinance was introduced for first reading on February 13, 2024, and **PASSED, APPROVED, AND ADOPTED** this 27<sup>th</sup> day of February 2024.

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Vinh Truong, Mayor

APPROVED AS TO FORM:

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Thai Viet Phan  
City Attorney

ATTEST:

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Annette Juarez  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.  
CITY OF DUARTE )

I, Annette Juarez, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 922 was adopted by the City Council of said City of Duarte at a regular meeting of said City Council held on the 23<sup>rd</sup> day of February 2024, by the following vote:

AYES: FINLAY, KANG, LEWIS, MARTIN DEL CAMPO, GARCIA, TRUONG  
 NOES: NONE  
 ABSTAIN: NONE  
 ABSENT: SCHULZ

Annette Juarez  
City Clerk