

**ORDINANCE NO.1783 N.C. (2d)**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 3.20 OF THE VALLEJO  
MUNICIPAL CODE  
PURCHASING ORDINANCE**

**WHEREAS**, the City of Vallejo is a charter city with sovereignty over municipal affairs as provided by California Constitution Art. XI Sec. 5 and City Charter Section 200; and

**WHEREAS**, it is well established by the courts of California that city contracting is a municipal affair; and

**WHEREAS**, the City desires to revise its contracting procedures to improve the contracting process, ensure full, fair, and open competition, provide flexibility when there are extraordinary circumstances, ensure prudent expenditures, and provide for a design-build contracting procedure.

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

**SECTION 1.** Chapter 3.20 of the Vallejo Municipal Code is hereby repealed in its entirety.

**SECTION 2.** There is hereby added a new Chapter 3.20 to the Vallejo Municipal Code which is adopted to read as follows:

**Chapter 3.20 - Purchasing Ordinance**

**3.20.010 - Title**

This chapter shall be known and may be cited and referred to as the "Purchasing Ordinance of the City of Vallejo."

**3.20.020 - Purpose**

The purposes of this chapter are to:

- A. Define the city's purchasing system for materials, services, equipment, and public works projects;
- B. Define authority and responsibility for purchasing;
- C. Provide for the fair and equitable treatment of all prospective contractors involved in the purchasing process;
- D. Obtain the highest possible value in exchange for public funds;
- E. Exercise financial control over purchases;
- F. Safeguard the quality and integrity of the purchasing system;
- G. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
- H. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
- I. Supervise the inspection of all materials and equipment purchased to insure conformance with specifications;
- J. Implement those sections of the city charter that govern purchasing, including section 500 and sections 717-723.

### 3.20.030 - Designated Purchasing Agents

- A. City Manager Acting as Purchasing Agent. The city manager is designated as purchasing agent, except as specified below, and shall purchase or cause to be purchased materials, equipment, services, professional services and public works projects required by the city, for which expenditures have been appropriated in the city council-approved budget or as authorized by action of the city council.
- B. City Attorney Acting as Purchasing Agent. The city attorney is designated as purchasing agent and shall purchase or cause to be purchased special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding, or other legal matter, and for any other activity or function that is related to the functions of the office of the city attorney for which expenditures have been appropriated in the city council-approved budget or as authorized by action of the city council.
- C. The purchasing agent may delegate his or her authority, in writing, to any subordinate position or employee, provided that such purchases or contracts shall be made in conformity with this chapter and all applicable administrative rules.

### 3.20.040 - Purchasing Agent—Authority.

The purchasing agent or his authorized representative shall have authority to:

Adopt administrative rules governing the purchase of materials, equipment, public works projects, and services for the city in accordance with the requirements prescribed in this chapter;

- A. Prepare and recommend to the city council revisions and amendments to the purchasing ordinance;
- B. Act to procure for the city the needed quantity and quality of materials and equipment at the lowest possible cost commensurate with the quality needed;
- C. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
- D. Negotiate and execute contracts for the purchase of materials and equipment;
- E. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
- F. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other administrative rules;
- G. Supervise the inspection of all materials and equipment purchased to insure conformance with specifications;
- H. Recommend the transfer of surplus or unused materials and equipment between departments as needed;

### 3.20.050 - Authorization limits and execution of contracts.

- A. City Manager Authorization Limit. The city manager may approve and authorize all contracts and purchase orders involving an expenditure of city funds in the amount of one hundred thousand dollars or less in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the purchase of equipment, materials, professional services, services, and public works projects for the city, for which there are appropriated funds in the city council-approved budget and consistent with the procedures set forth in this chapter.

A cap of one hundred thousand dollars shall be placed on the city manager's award authority of bids or contracts to any one vendor within the same fiscal year, for which there are appropriated funds in the city council-approved budget, and any award of a contract above

said cap shall be made by the city council. Once awarded by the city council, the city manager shall sign such contracts or purchase orders.

- B. City Attorney Authorization Limit. The city attorney may approve and authorize all contracts and purchase orders involving an expenditure of city funds in the amount of one hundred thousand dollars or less in any one transaction, without first advertising therefor or obtaining specific authorization by the city council, for the purchase of special legal counsel, appraisers, engineers and other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding, or other legal matter and for any other activity or function that is related to the functions of the office of the city attorney for which there are appropriated funds in the city council-approved budget.

A cap of one hundred thousand dollars shall be placed on the city attorney's award authority of bids or contracts to any one vendor within the same fiscal year, for which there are appropriated funds in the city council-approved budget, and any award of a contract above said cap shall be made by the city council. Once awarded by the city council, the city attorney shall sign such contracts or purchase orders.

- C. City Council Authorization Limit. Award of bids or contracts for items over one hundred thousand dollars, for which there are appropriated funds in the city council-approved budget, shall be made by the city council. Once awarded by the city council, the purchasing agent shall sign such contracts or purchase orders.
- D. Contracts with a value of five thousand dollars or more must be in writing signed by the purchasing agent or designee pursuant to sub-section 3.20.030.C. The document must contain the materials and/or services being purchased, price and essential terms.

#### 3.20.060 - Contract splitting prohibited

It is unlawful to split or separate into smaller units any purchase of materials, services, equipment, and public works projects for the purpose of evading the provisions of this chapter.

#### 3.20.070 - Encumbrance of funds

Except in cases of emergency the purchasing agent shall not issue any purchase order for materials or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged.

#### 3.20.080 - Selection of purchasing method

The purchasing agent shall use the following methods of purchasing under the circumstances described below:

- A. Purchases of materials, equipment, and services, estimated not to exceed ten thousand dollars, either in a single transaction or in total for a single vendor in a fiscal year, may be made without a competitive process.
- B. Purchases of materials, equipment, and services with an estimated value between ten thousand dollars and one hundred thousand dollars, either in a single transaction or in total for a single vendor in a fiscal year, shall use a request for quote process described in the open market procedure in 3.20.100.
- C. For the purchases of materials and equipment with an estimated value of more than one hundred thousand dollars, either in a single transaction or in total for a single vendor in a

fiscal year, shall use a formal bidding process as described in Section 3.20.120 through Section 3.20.200.

- D. For the purchase of services with an estimated value of more than one hundred thousand dollars, either in a single transaction or in total for a single vendor in a fiscal year, shall use a request for proposals process as described in Section 3.20.110.
- E. Public works projects with an estimated value of less than one hundred thousand dollars shall use a request for quote process described in the open market procedure in Section 3.20.100.
- F. Public works projects with an estimated value of more than one hundred thousand dollars shall use a formal bidding process described in the formal bidding for public works projects described in Section 3.20.140 through Section 3.20.200 of this code.
- G. Purchasing of design-build projects shall comply with requirements of section 3.20.210.

#### 3.20.090 - Competitive purchasing-Exemptions

The city shall engage in competitive purchasing consistent with the requirements of 3.20.080.

A. The following are exemptions to the competitive purchasing requirements:

1. In cases of emergency that pose a clear and imminent danger, requiring immediate action to prevent or mitigate the loss of life, health, welfare, or property or the continued conduct of city operations or services. Upon award of any contract authorized by this section, the city manager shall present a report to the city council, at the next available meeting of the city council, describing the emergency, the actions taken and the number and amount of contracts let;
2. The specified materials or equipment can be obtained from only one source and there is no adequate substitute;
3. Situations where solicitations of bids or proposals would for any reason be impractical, unavailing or impossible;
4. Legal or professional services that are highly specialized;
5. The acquisition involves highly specialized equipment, which shall mean equipment developed or designed for a special activity or function or whose purpose is in the best interests of the city by reason of training of city personnel or the equipment is more compatible with the existing equipment owned by the city;
6. Design-build projects pursuant to Section 3.20.210.
7. Materials, equipment, and services obtained through a cooperative or another public agency purchasing agreement so long as it substantially complies with this chapter;
8. Procurements funded by grants, donations or gifts when the special conditions attached to the grants, donations or gifts require the purchase of particular materials and/or services;
9. Purchase of surplus property owned by another public entity, or payment to other public entities or utilities;
10. Membership dues, conventions, training, travel arrangements, or advertisements in magazines, newspapers, or other media;
11. Where competitive bids have been solicited and no bids or proposals have been received. In such a situation, the city manager may proceed to have the services performed or the materials purchased without further competitive bidding;
12. In other cases when specifically authorized by the city council after a finding and determination that it is in the best interests of the city.

### 3.20.100 - Open market procedures

A. Purchases of materials, equipment, services, and public works projects in the amount of one hundred thousand dollars or less may be made by the purchasing agent in the open market pursuant to the procedure prescribed in this section and without observing the formal bidding procedure prescribed in Sections 3.20.120 through Section 3.20.200 of this code:

1. Purchases with an estimated price of ten thousand dollars or less, the purchasing agent may make the purchase without seeking price quotations.
2. Purchases with an estimated price of greater than ten thousand dollars and less than twenty-five thousand dollars, the purchasing agent may make the purchase based, whenever possible, on at least three written or oral price quotations and shall be awarded on the basis of the price quotation most advantageous to the city.
3. Purchases with an estimated price between twenty-five thousand dollars and one hundred thousand dollars, the purchasing agent may make the purchase based on at least three written price quotations and shall be awarded on the basis of the price quotation most advantageous to the city.

### 3.20.110 - Purchase by competitive proposals

A. Competitive Proposals. When contracting for services, including, but not limited to, professional services, consultants, or the purchase of highly specialized equipment, a contract or purchase must be entered into by use of competitive negotiation unless exempt pursuant to Section 3.20.090.

B. Competitive negotiation, for the purposes of this section, includes, but is not limited to, all of the following requirements:

1. A request for proposal shall be prepared and submitted to an adequate number of qualified sources, as determined by the purchasing agent in his or her discretion, to permit reasonable competition consistent with the nature and requirements of the purchase. In addition, notice of the request for proposal shall be publicly noticed in a local newspaper or the city's website at least ten days before the date for receipt of the proposals. The purchasing agent shall make reasonable efforts to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposal is received.
2. The request for proposal shall identify all significant evaluation factors, including price, and their relative importance.
3. The purchasing agent shall provide reasonable procedures for technical evaluation of the proposals received and shall apply the local business preference specified in Section 3.20.230 of this code, identification of qualified sources, negotiation with proposers, and selection for contract award.
4. Prior to making an award, the purchasing agent shall assess whether the price is fair and reasonable based upon comparables in the marketplace.
5. Award shall be made to the qualified proposer whose proposal will be most advantageous to the city with price and other factors considered. If award is not made to the proposer whose proposal contains the lowest price, the purchasing agent shall make a finding setting forth the basis for the award.

C. The city reserves the right to reject any or all proposals in whole or in part and may waive any irregularities or informalities in the proposals when such action is considered to be in the best interest of the city. All proposals received after the designated closing date and time shall be rejected.

#### 3.20.120 - Formal bidding procedures - Materials and equipment

Except as otherwise provided by Charter, the purchase of materials and equipment with a value greater than one hundred thousand dollars, either in a single transaction or the estimated total to a vendor, shall be based on formal bidding and the contract or purchase order awarded to the lowest responsive responsible bidder pursuant to procedures prescribed in Sections 3.20.130 through 3.20.200.

#### 3.20.130 - Advertising formal bids—Notice inviting bids

Formal competitive bids shall be publicly noticed, either in a local newspaper or the city's website, at least 10 days before the time and date set for receiving bids. The notice shall specify:

- A. The time on or before which bids will be received,
- B. Where and with whom bids shall be filed, and
- C. The date, time and place where and when bids will be received, publicly opened, and the bids of each bidder declared.

#### 3.20.140 - Formal bidding - Public Works Projects

Public works projects anticipated to cost more than one hundred thousand dollars shall be acquired by issuance of written invitations for bids. Bid documents shall include, at a minimum, the notice inviting bids; instructions to bidders; technical specifications; a form for listing subcontractors; a non-collusion affidavit; bid forms and schedules; all required bond forms and the proposed contract document.

#### 3.20.150 - Formal bidding –Exemptions-Public Works projects

All public works projects expected to exceed one hundred thousand dollars shall be formally bid in accordance with the requirements of this chapter unless exempt pursuant to Section 3.20.090.

#### 3.20.160 - Advertisement of formal bidding opportunities

Public works projects requiring formal competitive bid shall be publicly noticed, either in a local newspaper or the city's website, at least 10 days before the time and date set for receiving bids. Bids may be advertised more than once.

The notice shall specify:

1. A general description of the project
2. Refer to details to specifications on file in the office of the city clerk
3. The time on or before which the bids will be received
4. Where and with whom bids shall be filed
5. The time and place where and when bids will be publicly opened and the bid of each bidder declared
6. No change or modification in plans or specifications shall be made after proposals have been called for without notification to all holders of official bid documents by an addendum posted on the City's website.

#### 3.20.170 - Bid security

- A. To secure faithful performance of the contract, the purchasing agent is authorized to require security in the form of cash, cashier's check, certified check or corporate faithful performance bonds, in the amount the purchasing agent deems necessary to protect the best interests of the city. If the purchasing agent requires such security, the form and the amount shall thereof shall be described in the bid notice or in the specifications referred to therein. The purchasing agent need not require such security if it is not deemed necessary to protect the best interest of the city.

- B. All responses to solicitations shall include such bidders' security as is required by the solicitation documents and shall be presented under sealed cover. If the successful bidder fails to execute the contract within the time specified in the notice inviting bids or in the specifications referred to therein, the bidders' security may be declared forfeited by the Purchasing Agent to the city, and any bonds so forfeited may be prosecuted and collected and the amount of the security paid into the general fund. Unsuccessful bidders shall be entitled to return of their bidders' security. The form and amount of such security shall be described in the notice inviting responses or in the specifications referred to therein.

#### 3.20.180 - Submission and opening of formal bids

Sealed bids shall be submitted to the location and by the time specified in the bid notice. Sealed bids received by the time specified in the bid notice will be publicly opened in the presence of one or more witnesses at the location specified in the bid notice. If members of the public are present, the names of those submitting bids and the aggregate bid prices shall be read aloud. Bids received after the specified time shall not be accepted and shall be returned to the bidder unopened. A tabulation of all bids received shall be open for public inspection following bid opening at the office of the city clerk during business hours.

#### 3.20.190 - Analysis and report of bids

After they have been opened, all bids shall be referred to the city manager for analysis and report to the city council together with such recommendations deemed appropriate.

#### 3.20.200 - Award of contract.

- A. After considering the report of the city manager, the city council shall award the contract to the lowest responsible bidder, or reject all bids, and may advertise in its discretion. The city council reserves the right to reject any bid which does not conform to the bidding requirements set forth in this chapter. The check or bond accompanying the accepted bid shall be held by the city clerk until the contract for doing said work, or furnishing said materials as hereinafter provided, has been entered into whereupon the certified or bank cashier's check shall be returned to the lowest bidder.
- B. If the bidder without good, sufficient and legal cause, refuses or fails to enter into contract, as hereinafter provided, then the certified check, bank cashier's check or bond accompanying the bid, and the amount therein mentioned, shall be forfeited to the city, and shall be collected and paid into the general fund, and the city council shall not have power to relieve from or remit such forfeiture. If a bidder for a contract for the purchase of materials, equipment or services who has not been required to supply a bidder's check or bond by the phasing agent, without good, sufficient and legal cause, refuses or fails to enter into a contract, as hereinafter provided, then such bidder shall be liable for the difference between its bid and the next lowest bid, plus costs of administration. In addition, such bidder shall be liable for any legal costs and attorney fees incurred by the city in recovering the above-mentioned amount.
- C. If any contractor fails to enter into any contract awarded to him or her after public advertisement and competitive bidding, the city council may direct the readvertising of the original proposal or any modification thereof, or may award the contract to the next lowest responsible bidder without readvertising, provided that such award is made within ninety days after the opening of bids.
- D. Notwithstanding any other provisions of law, in the event there are two or more identical lowest bids, the city council may determine by lot which bid shall be accepted.

#### 3.20.210 Design-Build.

- A. The city may enter into a contract with a design-build entity for any combination of services and property needed for the design and construction or manufacture of a project (a "design-build contract"). The services and property that may be combined in a design-build include all or some of the following: planning, design, construction management, construction, manufacturing, financing, maintenance, rebuilding, improving, repairing, operation, purchase and installation of materials, equipment, purchase of real property interests (whether in fee, easement, lease, or license), and any other services necessary for a design-build entity to deliver a functional project to the city.
- B. The city manager or the city council shall find and determine that the city's goals for the proposed project will be more cost effectively achieved through a design-build contract after taking into consideration costs, timing, extraordinary circumstances such as the need to incorporate specialized equipment or other project components, the need to coordinate with third parties, and project financing.
- C. Design-build purchasing, for the purposes of this section, includes, but is not limited to, all of the following requirements:
  - 1. A request for proposal shall be prepared and submitted to an adequate number of qualified sources, as determined by the purchasing agent in his or her discretion, to permit reasonable competition consistent with the nature and requirements of the purchase. In addition, notice of the request for proposal shall be publicly noticed in a local newspaper or the city's website at least ten days before the date for receipt of the proposals. The purchasing agent shall make reasonable efforts to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the request for proposal is received.
  - 2. The request for proposal shall identify all significant evaluation factors, including price, and their relative importance.
  - 3. The purchasing agent shall provide reasonable procedures for technical evaluation of the proposals received and shall apply the local business preference specified in Section 3.20.230 of this code, identification of qualified sources, negotiation with proposers, and selection for contract award.
  - 4. Prior to making an award, the purchasing agent shall assess whether the price is fair and reasonable based upon comparables in the marketplace.
  - 5. Award shall be made to the qualified proposer whose proposal will be most advantageous to the city with price and other factors considered. If award is not made to the proposer whose proposal contains the lowest price, the purchasing agent shall make a finding setting forth the basis for the award.

#### 3.20.220 Contract amendments and change orders.

- A. Contract amendments, also known as change orders in public works projects, are authorized in accordance with the contract award authority of this chapter. The purchasing agent is authorized to approve amendments to contract amounts resulting from additions or reductions in work, or materials furnished to the city during the performance of contracts, as follows:
  - 1. The purchasing agent may amend a contract or issue a change order to delete work or to order changes in the work at decreased price or no change of price without additional council approval for such amendment or change order.
  - 2. The purchasing agent, in executing contract amendments or change orders, shall not be required to obtain further city council approval in the following circumstances:



- A. For contracts originally awarded for a price of less than one hundred thousand dollars, the purchasing agent shall have authority to execute an amendment or issue a change order that increases the contract amount, provided that the contract amount remains less than one hundred thousand dollars.
- B. For public works contracts originally awarded for a price of more than one hundred thousand dollars, the purchasing agent shall have authority to issue change orders that increase the contract amount, provided that the cost of the change order does not exceed the total amount authorized for the project by resolution. The extra work, or materials constituting the basis for any change shall not have been anticipated by the parties at the time of entering into the original contract.
- C. For all other contracts approved by the city council, the purchasing agent may amend the contract to increase the contract amount by up to an additional one hundred thousand dollars without further city council approval so long as the total expenditure amount is consistent with the amount approved in the city council-approved budget and the additional work was not anticipated by the parties at the time of entering into the original contract.
- 3. All other contract amendments or change orders shall be approved by city council.

### 3.20.230 - Local purchasing preference

- A. In bidding for, or letting contracts for purchase of materials, equipment, services and public works projects, whether by formal bid, by open market procedure pursuant to Section 3.20.100 of this code or, by competitive proposal pursuant to Section 3.20.110 of this code, the purchasing agent shall give a preference to local businesses in making purchases or awarding contracts in an amount not to exceed five percent of the local business' total bid price if the cost differential does not exceed ten thousand dollars for purchases in amounts of ten thousand dollars or more.
- B. The total bid price shall include not only the base bid price, but also all alterations to that base bid price resulting from alternates, which were both part of the bid and actually purchased or awarded by the city council or the purchasing agent.
- C. In the case of competitive negotiations, local business shall be assigned five percent of the total evaluation points.
- D. The local purchasing preference set forth above shall not apply to any of the following purchases or contracts:
  - 1. Purchases of materials, equipment and services through legal contracts of other governmental jurisdictions or public agencies, or cooperative purchasing agreements, including, but not limited to, the North Bay Agency Chemical Pool;
  - 2. Contracts for professional or legal services;
  - 3. Purchases or contracts which are funded, in whole or in part, by a governmental entity, or private and public grants and the laws, regulations, or policies governing such funding prohibit application of such preference;
  - 4. Purchases made or contracts let under emergency situations;
  - 5. Purchases that involve the installation of a cogeneration plant or other energy conservation project.
- E. The purchase preference established in this subsection does not prohibit the right of the city council or purchasing agent to compare quality or base the purchasing decision on the quality of the materials or service.
- F. The provisions contained in this subsection and any rules adopted by the purchasing agent shall be provided to potential bidders, vendors, and contractors to the widest extent practicable. However, failure to do so shall not be grounds for invalidation of any purchase order or contract awarded under this chapter.

- G. For the purposes of this subsection "local business" means a vendor or contractor who has a business license, is current in the payment of the business license tax provided for in Chapter 5.04 of this code, is in compliance with all other provisions of this code, and does not owe money to the city of Vallejo; and has been in business with a business license in Vallejo for at least three months; does business in the city of Vallejo by providing materials, equipment or services therein and maintains a lawfully operating place of business located within the city of Vallejo in an area zoned for the conduct of such business from which the vendor or contractor operates or performs business on a day-to-day basis, and when the city will be considered the "point of sale" and will receive the local share of the California sales and use tax imposed on the local business for the purchase, if said tax is applicable to the purchase.

#### 3.20.240 - Materials and equipment—Inspection and testing

The purchasing agent or authorized representative shall inspect or cause to be inspected materials and equipment delivered to determine their conformance with the specifications set forth in the order. The purchasing agent shall have authority to require of the vendor the submission of chemical and physical tests of samples with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications.

#### 3.20.250 - Contract nondiscrimination clause

It is the city's policy not to engage in business with any contractor or supplier that discriminates on the basis of race, religion, age, color, gender, national origin, sexual orientation, disability, marital status, ancestry, or any other form of unlawful discrimination in employment and with respect to performance under contract or purchase order. Purchases subject to this chapter shall contain a nondiscrimination clause prepared by the city attorney consistent with the intent of this section. The contractor shall include the same nondiscrimination clause in every subcontract entered into in furtherance of the contract with the city so that such provision shall be binding upon each of its subcontractors.

#### 3.20.260 - Purchases related to federal, state and private grant funded projects

When a purchase involves the expenditure of federal or state grant or contract funds or private grant funds, the purchasing agent shall comply with such federal or state laws, regulations and circulars or private grantor restrictions or policies if required for full compliance with terms of the grant. In the event of a conflict, however, the procurement or purchasing guidelines of the grantor shall take precedence over this chapter. If the grantor allows the city to utilize its own purchasing procedures, then all purchases shall be made in compliance with this chapter. The city manager shall prepare rules and regulations in order to comply with the rules and regulations of any grantor for the purchase of materials and services and is authorized to update and amend the city's rules and regulations to comply with changes in any grantor's rules and regulations and federal and state law.

#### 3.20.270 Contracts for joint governmental actions or in proprietary capacity.

- A. Any contract the city enters into with another public entity is a contract for joint governmental action, and shall be presented to the city council for approval as required by section 500(k) of the city charter, if the contracting parties are directly involved with the work to be performed. A contract for joint governmental action includes but is not limited to a memorandum of understanding for mutual aid, hazard mitigation, or homeless housing or support services.
- B. The city manager is authorized to execute a contract with another public entity whenever the city or other public entity is acting in a proprietary capacity, without joint

governmental action, when the amount is less than one hundred thousand dollars. For example, the city manager may execute a lease or license, or contract for sale or purchase of an asset, consistent with all other provisions of the code.

**SECTION 3. Severability**

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact one or more provisions may be declared invalid.

**SECTION 4. Effective date and publication.** This ordinance shall take effect thirty (30) days after adoption.

**FIRST READ** at a regular meeting of the Council of the City of Vallejo held on the 13 day of February 2018 and finally passed and adopted at a regular meeting of the Council held on the 27 day of February 2018 by the following vote:

AYES:	Mayor Sampayan, Vice Mayor Miessner, Councilmembers Dew-Costa, Malgapo, McConnell, Sunga, and Verder-Aliga
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

  
BOB SAMPAYAN, MAYOR

  
DAWN G. ABRAHAMSON, CITY CLERK