



CITY OF FILLMORE
CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015-1907
(805) 524-3701 • FAX (805) 524-5707

TO: Mayor and City Council

FROM: Joe Bellomo, Public Works Director

DATE: November 12, 2024

RE: **SECOND READING AND ADOPTION OF ORDINANCE NO. 24-977
UPDATING THE FORMAL AND INFORMAL BIDDING LIMITS FOR
PUBLIC WORKS PROJECTS TO BE CONSISTENT WITH THE STATE'S
UPDATE TO THE UNIFORM PUBLIC CONSTRUCTION COST
ACCOUNTING ACT ("ACT")**

RECOMMENDATION

It is recommended that the City Council hold a second reading to adopt Ordinance No. 24-977 entitled "An Ordinance of the City Council of the City of Fillmore, California, Amending Fillmore Municipal Code Section 5.40.040 to Update the Informal Bidding Process for Public Works Construction Projects".

DISCUSSION

On October 22, 2024 the City Council approved the first reading to introduce Ordinance No. 24-977. The ordinance was approved by a vote of 5 to 5. This ordinance is now on the agenda for a second reading and adoption. It will be effective thirty (30) days from its passage.

FISCAL IMPACT

Updating Fillmore Municipal Code Chapter 5.40 for conformity with the new bidding thresholds in the Uniform Public Construction Cost Accounting Act will simplify the bidding procedures for smaller construction projects which will in turn save time and some expenses incurred in processing projects.

CITY COUNCIL GOAL

This item does not specifically address a council goal.

ATTACHMENT(S)

1. Ordinance No. 24-977 - An Ordinance of the City Council of the City of Fillmore, California, Amending Fillmore Municipal Code Section 5.40.040 to Update the Informal Bidding Process for Public Works Construction Projects

ATTACHMENT No. 1 - Ordinance No. 24-977 - An Ordinance of the City Council of the City of Fillmore, California, Amending Fillmore Municipal Code Section 5.40.040 to Update the Informal Bidding Process for Public Works Construction Projects

ORDINANCE NO. 24-977

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FILLMORE, CALIFORNIA, AMENDING PORTIONS OF FILLMORE
MUNICIPAL CODE CHAPTER 5.40 TO UPDATE THE INFORMAL
BIDDING PROCESS FOR PUBLIC WORKS CONSTRUCTION
PROJECTS**

Summary: This ordinance raises the dollar amount for certain public projects eligible for informal bidding procedures.

WHEREAS, pursuant to the Uniform Public Construction Cost Accounting Act (the “Act”), Public Contract Code Sections 22030 *et seq.*, the City of Fillmore has adopted uniform construction cost accounting procedures and Fillmore Municipal Code chapter 5.40 to establish informal bidding procedures which comply with the provisions of the Act; and

WHEREAS, effective January 1, 2025, State law has been updated to increase the dollar limits for projects on which a city may take advantage of informal bidding procedures; and

WHEREAS, the City Council desires to update its informal bidding procedures for the selection of contractors to be consistent with the current dollar limits allowed by State law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 5.40.040, “Award of Contract”, of the Fillmore Municipal Code is replaced, in its entirety, to read as follows (additions are shown in ***bold italics***, deletions are shown in ~~strikethrough~~):

“(A) Public projects of ~~sixty~~ ***seventy-five*** thousand dollars or less may be performed by the employees of the city by force account, or awarded by negotiated contract, in accordance with the following:

(1) Solicitation of Proposals. If the estimated cost of the public project exceeds five thousand dollars and will not be performed by City employees, the ~~City Engineer~~ ***Public Works Director*** shall solicit written proposals from prospective contractors to perform such public project. Such solicitation shall be made in writing, by telephone, or otherwise and shall be made to sufficient numbers of prospective contractors as may be deemed by the City Manager to be consistent with the policy of the City Council regarding the award of contracts for public projects;

(2) Award and Execution of Contract. If a contract is awarded pursuant to this subsection, the contract shall be awarded to the lowest responsible bidder. The City Manager may award and execute a contract awarded pursuant to this subsection when both of the following apply:

- (a) The contract is for a sum not to exceed ~~sixty~~ **seventy-five** thousand dollars to be paid by the city; and
- (b) The funds required for the payment of the contract are in the city's approved and current budget for that purpose.

(B) Public projects of two hundred **twenty** thousand dollars or less may be let to contract by informal procedures as set forth in per FMC Section 5.40.050.

(C) Public projects of more than two hundred **twenty** thousand dollars shall, except as otherwise provided in this ordinance, be let to contract by formal bidding procedure.

(D) Emergencies. The City Council may act contrary to this Section under any emergency authority granted by the Uniform Public Construction Cost Accounting Act or by any other provision of the California Public Contract Code. Furthermore, in the case of an emergency, as that term is used in the Uniform Public Construction Cost Accounting Act, the City Manager is delegated the authority to take such actions authorized by the Act without compliance with the procedures of this Section.”

SECTION 2. Subsection f of Section 5.40.050, “Informal advertising and award process”, of the Fillmore Municipal Code is amended, in its entirety, to read as follows (additions are shown in **bold italics**, deletions are shown in ~~strikethrough~~):

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“If all bids received are in excess of two hundred **twenty** thousand dollars, the city council may, by passage of a resolution by a four-fifths vote, award the contract, at two hundred ~~fifteen~~ **thirty-five** thousand dollars, or less, to the lowest responsible bidder, if it determines the city's cost estimate is reasonable.”

SECTION 3. Subsection b of Section 5.40.060, “Publication of notice inviting formal bids, bid security, and bonds required”, of the Fillmore Municipal Code is amended, in its entirety, to read as follows (additions are shown in **bold italics**, deletions are shown in ~~strikethrough~~):

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“When deemed necessary by the city manager and in all contracts for more than sixty **seventy-five** thousand dollars, bidder's security will be required and identified in the notices inviting bids.”

SECTION 4. This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question would have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. 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 any 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 this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or

unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. The City Clerk shall cause a summary of this Ordinance to be published once, within fifteen (15) calendar days after its passage, in the *Fillmore Gazette*, 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. This Ordinance shall become effective on the thirty-first (31st) day after its passage.

PASSED AND ADOPTED this 12th day of November, 2024.



Mayor, Carrie Broggie

ATTEST:



For Olivia C. Lopez

Olivia Carrera Lopez, City Clerk

APPROVED AS TO FORM:



Tiffany J. Israel, City Attorney

CITY OF FILLMORE)

COUNTY OF VENTURA)§

STATE OF CALIFORNIA)

I, Oliva Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Ordinance No. 24-977 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the 12th day of November, 2024, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES: Mayor Broggie, Mayor Pro Tem Gurrola, Councilmember Austin, Councilmember Villaseñor, Councilmember Mendez

NOES: None.

ABSENT: None.

ABSTAIN: None.

Arely Venegas

For Olivia C. Lopez

Olivia Carrera Lopez, City Clerk

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