

RESOLUTION NO. 2014-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA 1) AMENDING RESOLUTION 2014-120 CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, 2) ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO AMEND CHULA VISTA CHARTER SECTIONS 1009 (REGARDING PUBLIC WORKS CONTRACTING), AND 1010 AND 1011 (REGARDING CITY CONTRACTING GENERALLY) IN ORDER TO ENHANCE EFFICIENCY AND FLEXIBILITY IN CITY PROCUREMENT PRACTICES WHILE PRESERVING CHECKS AND BALANCES, AND 3) APPROPRIATING FUNDS THEREFOR

WHEREAS, Resolution No. 2014-120 calling a Special Municipal Election to be held on Tuesday, November 4, 2014 was adopted on July 8, 2014; and

WHEREAS, by adoption of Resolution No. 2014-120, the City requested that the County of San Diego Board of Supervisors permit the Registrar of Voters to perform and render all services and proceedings related to the conduct of the November 4, 2014 election; and

WHEREAS, since early 2013, the City Attorney's office has been working with the Charter Review Commission, and with City departments whose activities are governed by the City Charter, to identify areas of the Charter that may warrant modification; and

WHEREAS, relatedly, the general purchasing provision in Charter Sections 1010 and 1011 were also identified for possible modification, particularly due to provisions that unnecessarily impeded purchasing practices that could advance the City's economic development objectives;

WHEREAS, the proposed modifications were drafted in consultation with the City's Public Works, Finance, and Economic Development departments; and

WHEREAS, in general, the proposed modifications eliminate procurement practice *details* and replace them with good procurement practice *principles*; and

WHEREAS, the authority for making detailed procurement rules consistent with these principles is then delegated to the City Council; and

WHEREAS, the proposed changes are designed to enhance the efficiency and flexibility of the City's procurement practices consistent with "best practices" while preserving appropriate checks and balances; and

WHEREAS, all proposed changes were thoroughly vetted with the Charter Review Commission and presented to the City Council for its consideration; and

WHEREAS, the proposed changes were presented in draft form to the City Council on July 22, 2014 and the City Council directed staff to bring back for its consideration at its August 5, 2014 City Council meeting the proposed language in final form, along with all required ballot measure materials;

WHEREAS, these items were presented for Council consideration at its August 5<sup>th</sup> meeting, the City Council considered such items, and made whatever changes it deemed necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it does hereby declare, determine and order as follows:

SECTION 1. That the City Council, pursuant to its right and authority, does hereby place a measure amending Chula Vista City Charter sections 1009 (regarding Public Works contracting), and 1010 and 1011 (regarding City contracting generally) in order to enhance efficiency and flexibility in City procurement practices while preserving checks and balances, a copy of which is attached hereto as Exhibit A, on the ballot for the Special Municipal Election, to be held on November 4, 2014, and orders submitted to the voters the following question:

Shall the City's Charter provisions regarding public works and general purpose contracting be amended to replace specific contracting procedures with more general contracting principles that would be implemented by ordinance, including the requirement for competitive bidding, City Council approval of major contracts and other best practices, and the requirement that any exceptions to standard competitive purchasing practices be approved by 4/5ths vote of the City Council with findings of public benefit?	YES	
	NO	

SECTION 2. Should the question be approved by the requisite vote, the measure attached hereto as Exhibit A, and incorporated by this reference shall be enacted.

SECTION 3. The City Attorney shall cause the preparation of an impartial analysis of the measure, which shall be due August 18, 2014.

SECTION 4. The City Clerk is directed to prepare and publish a notice of the measures to be voted on. Direct Arguments shall be due by **August 20, 2014, in the City Clerk's office**, and the 10-day public review period for the arguments shall be **August 21, 2014 to September 1, 2014**.

SECTION 5. The City Council hereby acknowledges its authority, pursuant to California Elections Code section 9282, to submit a written argument not to exceed 300 words in length.

SECTION 6. Pursuant to a resolution previously adopted by the Council allowing rebuttal arguments, rebuttal arguments will be allowed in accordance with Elections Code section 9285. Rebuttal arguments may not exceed 250 words. The deadline for rebuttal arguments will be **August 28, 2014** in the City Clerk's office, and the 10-day public review period for the arguments shall be **August 29, 2014 to September 8, 2014**.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. The City Clerk is hereby directed to forthwith file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the elections.

SECTION 9. The City Clerk shall certify to the passage and adoption of this resolution and file it with the City's original resolutions.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista appropriate \$47,000 from General Fund reserve to the City Clerk's supplies and services expenditure category to fund the costs of such measure.

Presented by:

Approved as to form by:

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Richard A. Hopkins  
Director of Public Works

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Glen R. Googins  
City Attorney