

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING
CHULA VISTA MUNICIPAL CODE SECTION 2.56
(PURCHASING SYSTEM) TO AUTHORIZE THE PUBLIC
WORKS DIRECTOR OR CITY ENGINEER TO ACQUIRE
INTERESTS IN REAL PROPERTY IN FURTHERANCE OF
CAPITAL IMPROVEMENT PROJECTS

WHEREAS, on November, 4, 2014, Chula Vista voters approved modifications to City Charter Sections 1009, 1010 and 1011 (Measure A) that delegated the authority to the City Council to make procurement rules for awarding City public works contracts and other types of City contracts; and

WHEREAS, the Charter amendments enabled future purchasing limits/requirements to be established by ordinance, allowing for the City to keep up with “best practices”; and

WHEREAS, the currently proposed amendments to the purchasing ordinance are consistent with the Charter amendment and would enhance the efficiency and flexibility of the City's procurement practices while preserving appropriate checks and balances; and

WHEREAS, in order to maintain transparency, staff will submit to the City Council a list of CIP projects and the associated public works contracts as part of the Finance Departments Quarterly Fiscal Report; and

WHEREAS, staff recommends authorizing the Public Works Director or the City Engineer to acquire interests in real property in furtherance of capital improvement projects without the need to obtain City Council approval, subject to the limitations in the proposed amendments.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Chapter 2 of the Chula Vista Municipal Code is amended to add section 2.56.135 as follows:

2.56.135 – Acquisition of real property interests.

- A. *CIP Projects.*** The Public Works Director, or City Engineer, shall have authority to acquire interests in real property that are necessary for the construction, repair, operation, or maintenance of City facilities without City Council approval, provided that: (a) a CIP project has been established for the construction, repair, operation, or maintenance of City facilities and funds have been appropriated to that CIP budget; (b) sufficient funds are available in the approved CIP budget to acquire the real property interest(s) and the use of such funds will not materially impact the City's ability to fully implement the CIP project with the remaining funds; (c) the purchase price for the real property interests being acquired does not exceed \$100,000 per parcel; and (d) the purchase price for the

real property interests being acquired does not exceed one hundred twenty-five percent (125%) of the appraised value of the interests to be acquired. Notwithstanding the limitation in (d) above, the purchase price may exceed one hundred twenty-five percent (125%) of the appraised value of the real property interests to be acquired where subsections (a), (b), and (c) above have been satisfied and the purchase is approved by the City Manager. This section does not apply to acquisitions of real property interests by eminent domain.

Section II. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section III. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section IV. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section V. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

William S. Valle
City Engineer

Glen R. Googins
City Attorney