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ORDINANCE NO. O-06-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLTON AMENDING SECTIONS 3.08.020, 3.08.140 AND 6.16.025 OF THE COLTON MUNICIPAL CODE REGARDING CONTRACTING FOR SERVICES AND PURCHASING.

WHEREAS, Chapter 3.08 of the Colton Municipal Code outlines the City's general purchasing and contracting procedures; and

WHEREAS, Public Resources Code section 40059 authorizes the City Council to award nonexclusive or exclusive solid waste collection, removal and disposal franchises, contracts, licenses, permits, or other approvals, with or without competitive bidding; and

WHEREAS, the City Council wishes to clarify that solid waste franchises, contracts, licenses, permits, or other approvals are not subject to Chapter 3.08 and may be awarded in any manner permitted by Public Resources Code section 40059; and

WHEREAS, the City Council wishes to make other amendments to its general purchasing procedures as set forth below.

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

SECTION 1: "Professional Services" as set forth in Section 3.08.020 of Chapter 3.08 of Title 3 of the Colton Municipal Code is hereby amended to read as follows:

"Professional Services" means all services performed by persons in a professional occupation, including, but not limited to, consulting and performance services for accounting, auditing, computer hardware and software support, engineering, architectural, planning, environmental, redevelopment, financial, economic, personnel, social services, animal control, management, cable television, communication and other similar professional functions which May be necessary for the operation of the City."

SECTION 2: Section 3.08.140 of Chapter 3.08 of Title 3 of the Colton Municipal Code is hereby amended to read as follows:

1 **“3.08.140 - Exceptions to competitive bidding—Non-Public Projects.**

2 In addition to the situations described in Sections 3.08.060 through 3.08.080,
3 competitive bidding, either formal or informal, is not required for Non-Public Projects in the
4 situations provided for in this section. Under such conditions, any alternative procedure,
5 including no bidding, may be used with the City Manager's approval.

6 A. Emergencies. In situations determined by the Authorized Contracting Party to
7 constitute an Emergency, as defined in Section 3.08.020.

8 B. No Competitive Market. When the City Council determines, in accordance with
9 applicable law, that a competitive market does not exist and that no competitive advantage will
10 be gained by the public bidding process.

11 C. Competitive Bidding Already Completed. When the Authorized Contracting
12 Party determines that a competitive bid procedure has been conducted by another public
13 agency (e.g. through CMAS or GSA) and the price to the City is equal to or better than the
14 price to that public agency.

15 D. State Purchase. When the purchase is made on behalf of the City by the State
16 Department of General Services.

17 E. Purpose of Bidding is Otherwise Accomplished. When the City Manager
18 determines that it is in the best interest of the City and its administrative operations to dispense
19 with public bidding for Non-Public Projects under this chapter. Prior City Council concurrence
20 with the City Manager's determination shall be required for Non-Public Project purchases over
21 one hundred thousand dollars.

22 F. No Bids Received. When no bids are received Non-Public Project formal or
23 informal bidding procedures.

24 G. Electric Utility. Purchases authorized by Section 2.18.010 of this Code.

25 H. Franchise services. The award, issuance or modification of any franchise
26 services, including, but not limited to, taxi, solid waste or towing services.

27 I. Expenses. The reimbursement or payment of travel expenses and other
28 employee expenses.

J. Insurance. The payment of any insurance premiums or claims, including
employee medical payments.

1 K. Legal. Legal services provided that legal services agreements exceeding One
2 Hundred Thousand Dollars shall be approved by the City Council.

3 L. Real Property. The purchase or lease of real property with City Council
4 approval.

5 M. Banking. Banking services.

6 N. Otherwise Authorized. When otherwise authorized by this chapter or applicable
7 law.”

8
9 **SECTION 3:** Section 6.16.025 of Chapter 6.16 of Title 6 of the Colton
10 Municipal Code is hereby amended to read as follows:

11 **“6.16.025 – Award of approval for solid waste services.**

12 Pursuant to Public Resources Code section 40059, the City Council may provide for
13 the collection, removal and disposal of solid waste within the City by means of exclusive or
14 nonexclusive franchise, contract, license, permit, or otherwise, either with or without
15 competitive bidding. The authority to provide solid waste handling services may be granted
16 under terms and conditions prescribed by the City Council by resolution or ordinance.”

17
18 **SECTION 4: Severability.** If any section, subsection, subdivision, paragraph,
19 sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to
20 unconstitutional, such decision shall not affect the validity of the remaining portion of this
21 ordinance or any part thereof. The City Council of the City of Colton hereby declares that it
22 would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
23 thereof, irrespective of the fact that any one or more section, subsection, subdivision,
24 paragraph, sentence, clause or phrases be declared unconstitutional.

25 **SECTION 5:** This ordinance shall take force and effect thirty (30) after its
26 adoption.

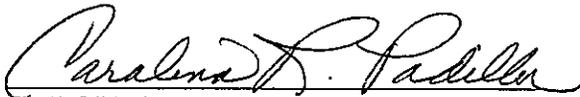
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28 **SECTION 6:** The City Clerk shall certify to the adoption of this Ordinance
and cause it, or a summary of it, to be published in a newspaper of general circulation printed
and published within the City of Colton in accordance with law.

1
2 PASSED, APPROVED, AND ADOPTED this 21 day of April, 2015.

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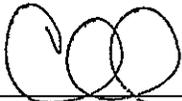
5 RICHARD A. DELAROSA
6 Mayor

7 ATTEST:

8 

9 CAROLINA R. PADILLA
10 City Clerk

11 APPROVED AS TO FORM:

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14 CARLOS CAMPOS
15 City Attorney

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF COLTON)

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby
6 certify under penalty of perjury that the foregoing is a full, true and correct copy of
7 **ORDINANCE NO. O-06-15**, and was duly passed, approved, and adopted by the City
8 Council of the City of Colton at its Regular Meeting held on the **21st day of April, 2015**,
9 by the following vote to wit:

10
11 AYES: COUNCILMEMBER Toro, Jorin, Navarro, González,
12 Bennett, Suchil and Mayor
DeLaRosa

13 NOES: COUNCILMEMBER None

14 ABSTAIN: COUNCILMEMBER None

15 ABSENT: COUNCILMEMBER None
16

17 **IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official
18 seal of the City of Colton, California, this ____ day of _____, _____.

19
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21
22 _____
CAROLINA R. PADILLA
23 City Clerk
City of Colton, California

24
25 (SEAL)
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27
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