

## ARTICLE II - ADMINISTRATION

### CHAPTER 1 - OFFICERS

Sec. 2100. Assessor and Tax Collector. Pursuant to the authority granted by Section 51501 of the Government Code of the State of California, the assessment and tax collection duties performed by the City Assessor and Tax Collector hereby are transferred to the Assessor and Tax Collector of the County of San Luis Obispo. (Ord. 1)

Sec. 2100.1. Same. Abolishment of Offices. The offices of City Assessor and Tax Collector are hereby abolished. (Ord.1)

Sec. 2100.2. Same. Transfer of Duties. Pursuant to the authority granted by Section 51507 of the Government Code of the State of California, the duties of the City Assessor, other than the assessing of City property and the duties of the Tax Collector, other than the collection of taxes, hereby are transferred to and shall be performed by the City Clerk, or such officer of the County of San Luis Obispo as may by contract with the City be designated and authorized to perform such duties. (Ord.1)

Sec. 2101. City Clerk. Duties. Any applications required to be filed with the City or fees required to be paid to the City, pursuant to the provisions of this code, shall be filed with or paid to the City Clerk, unless otherwise by this code provided. (Ord. 1)

Sec. 2102. City Clerk Bond. The City Clerk upon the entry to his duties of office shall execute a bond to the City in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the State of California relating thereto, in the amount of five thousand dollars (\$5,000.00). (Ord. 1)

Sec. 2103. City Treasurer Bond. The City Treasurer upon the entry of office shall execute a bond to the City in conformity with bonds of public officers, and in conformity with the provisions of the Government Code of the State of California relating thereto, in the amount of five thousand dollars (\$5,000.00). (Ord. 1)

Sec. 2104. Removal of Papers or Documents from the City Hall. No person unless authorized by the City Clerk, Mayor, or City Attorney shall remove any papers or documents from the City Hall. (Ord. 1)

Sec. 2105. Designation of City Officers. Pursuant to Government Code Sections 36501 and 36505, the following are hereby designated as the City officers of the City: City Clerk, Fire Chief, City Treasurer, Chief of Police, Community Development Director, Finance Director, Parks and Recreation Director, City Engineer, City Attorney, and City Manager. (Ord. 75-11, Am. Ord 94-5)

Sec. 2106. City Manager. The office of the City Manager is created and established. The City Manager shall be appointed by the City Council on the basis of administrative and executive ability and qualifications, and shall hold office at the pleasure of the City Council. Wherever the term "City Administrator" is found in this Code or Resolutions of the City, it shall be deemed to be "City Manager." (Ord. 94-5)

Sec. 2106.1. Same. Residence. Residence in the City shall not be required as a condition of the City Manager's employment. However, the City Manager shall reside within thirty (30) minutes driving time of the City. (Ord. 94-5)

Sec. 2106.2. Same. Bond and Professional Ethics. (A) The City Manager shall be bonded with a corporate surety bond to be approved by the City Council in such sum as may be determined by the Council, which shall be conditioned upon the faithful performance of the duties imposed upon the City Manager as prescribed in this chapter. Any premium for the required bond shall be a proper charge against the City.

(B) The City Manager shall adhere to the Code of Ethics of the International City/County Management Association. (Ord. 94-5)

Sec. 2106.3. Same. Acting City Manager. The City Manager shall designate a qualified City employee to exercise the powers and perform the duties of City Manager during a temporary absence or disability of the City Manager. In the event the City Manager's absence or disability is in excess of thirty (30) consecutive days, the City Council may appoint an acting City Manager. (Ord. 94-5)

Sec. 2106.4. Same. Compensation. The City Manager shall receive compensation and benefits as the City Council shall determine from time to time. In addition, the City Manager shall be reimbursed for all actual and reasonable expenses incurred in the course of official City business. (Ord. 94-5)

Sec. 2107. Powers and Duties of the City Manager. The City Manager shall be the administrative head of the government of the City under the direction of the City Council. The City Manager shall be responsible for the efficient administration of all of the affairs of the City that are under the City Manager's control. It is the City Manager's duty to put aside personal views and implement Council policy and direction at all times. The City Manager shall keep all Council members informed of key issues and developments. In addition to the general powers and duties as the administrative head of the City, the City Manager shall have the following powers and duties:

(A) Law Enforcement. It shall be the duty of the City Manager to oversee the enforcement of all laws and ordinances of the City and to see that all franchises, contracts, permits and privileges granted by the City Council are fulfilled.

(B) Authority Over Employees. The City Manager shall have the authority to supervise, develop, motivate, evaluate and give directions to all heads of departments, subordinate officers, and employees of the City. The City Attorney, however, shall answer directly to the City Council.

(C) Powers of Appointment and Removal. It shall be the duty of the City Manager to appoint, remove, promote and demote any and all employees of the City, subject to applicable ordinances, rules and regulations, and directives of the City Council, except the City Attorney, who is appointed and removed directly by the City Council.

(D) Administrative Reorganization of Offices. It shall be the duty and the responsibility of the City Manager to effect such administrative reorganization of offices, positions or units under the City Manager's direction as may be indicated in the interest of efficient, effective, and economical conduct of the City's business. Such reorganizations or changes of positions shall become effective after being approved by the City Council.

(E) Attendance at Council Meetings. It shall be the duty of the City Manager to attend all meetings of the City Council unless excused therefrom by the City Council.

(F) Financial Reports. It shall be the duty of the City Manager to keep the City Council fully advised at all times as to the financial condition and needs of the City.

(G) Budget. It shall be the duty of the City Manager to prepare and submit the proposed annual budget and proposed employee compensation plans to the City Council for approval.

(H) Expenditure Control and Purchasing. It shall be the duty of the City Manager to recommend expenditures to the City Council. The City Manager or person designated by the City Manager shall be responsible for the purchase of all supplies for all the departments or divisions of the City.

(I) Investigations and Complaints. It shall be the duty of the City Manager to make investigations into the affairs of the City and any employee, department or division thereof, and any contract or the proper performance of any obligations of the City. Further, it shall be the duty of the City Manager to investigate all complaints in relation to matters concerning the administration of the City government.

(J) Settlement of Claims. The City Manager shall have the authority to deny claims on behalf of the City and to settle worker's compensation and general liability claims up to a dollar amount to be specified by the City Council by resolution.

(K) Additional Duties. It shall be the duty of the City Manager to perform such other duties and exercise such other powers as may be delegated from time to time by ordinance or resolution or other official action of the City Council. (Ord. 94-5)

Sec. 2107.1 Same. Emergency Authority. (A) Emergency Defined. For the purposes of this chapter, "emergency" means the existence of conditions of disaster or extreme peril to the safety of persons and/or property within the territorial limits of the City caused by conditions, including but not limited to, flood, fire, storm, hazardous materials spills, epidemic, riot, sudden and severe energy outage or earthquake.

(B) City Manager's Authority in an Emergency. In the event of an emergency requiring the expenditure of City funds before an emergency City Council meeting can be convened to authorize that expenditure, the City Manager shall have the authority to authorize the expenditure of City funds and to otherwise obligate the City as the City Manager, in the City Manager's sole discretion, determines to be necessary or appropriate to combat the effects of such emergency up to a maximum of ten thousand dollars (\$10,000) per emergency. (Ord. 94-5)

Sec. 2107.2. Same. Political Participation. The City Manager shall not participate directly, indirectly or through an intermediary in any political activity that is related to the City unless in support of a policy position taken by the City Council. (Ord. 94-5)

Sec. 2108. Council-Manager Relations. The City Council and its members whenever possible, shall deal with the operations of the City only through the City Manager, except for the purpose of inquiry, advice, information or follow-up. (Ord. 94-5)

Sec. 2109. Removal of the City Manager. The City Manager serves at the will of the City Council. The City Council may remove the City Manager at any time by a majority vote of its members. If requested, a public hearing shall be granted by the Council within thirty (30) days following notice of removal. (Ord. 94-5)

## CHAPTER 2 - COMPENSATION

Sec. 2200. Officers and Employees. The salaries and compensation of officers and employees of the City shall be as fixed and determined by resolution of the City Council, except those fixed herein. (Ord. 1)

Sec. 2201. Compensation of Council Members. Each member of the Council shall receive, as salary, the sum of three hundred dollars (\$300) per month. (Ord. No. 22; Am. Ord. 75-11; Ord. 86-2)

Sec. 2202. Increase or Decrease. (Repealed Ord. 86-2)

## CHAPTER 3 - CITY COUNCIL

Sec. 2300. Council Chambers. The room designated as the Council Chambers located at the City Hall, 154 South 8th Street, Grover City, California, shall be the Council Chambers of the City Council of the City and all meetings of the City Council shall be held therein. (Ord. 1; Am. Ord. 44)

Sec. 2301. Council Meetings. Regular meetings of the City Council shall be held on regular dates and at regular times to be established by resolution of the Council, or the next succeeding day which is not a holiday. (Ord. 1; Am. Ord. 22, 31, 44, 88, and 75-11)

Sec. 2302. Filing Fee for Candidates for Elective Office. A filing fee as set forth in the Master Fee Schedule and amended from time to time is hereby established for candidates' nomination papers for elective offices at municipal elections held in the City of Grover City. The filing fee shall be paid to the City Clerk by each candidate for an elective office at the time the candidate's nomination paper is filed with the City Clerk. The City Clerk shall pay to the City Treasurer all fees received which shall be deposited in the General Fund. (Ord. 73-9; Am. Ord. 03-02)

Sec. 2303. Rules of Procedure. The Council shall by resolution adopt rules governing the procedure for meetings of the Council and preparation of agendas of meetings of the Council. (Ord. 75-11)

Sec. 2304. Term Limits. A member of the City Council and, if the City has an elected mayor, an elected mayor may only serve two consecutive terms as a member of the City Council, an elected mayor, or as a combination thereof as a member of the City Council and elected mayor. If a person is elected to the office of City Council and because of a vacancy in the office of an elected mayor, such person is appointed to fill the unexpired term of an elected mayor, such Council Member shall be deemed to be serving just the term of a City Council Member. However, if a person should be elected to the office of City Council and part way through his or her term as a member of the City Council, such person is elected mayor, then such person shall be deemed to have served his or her full term as a City Council Member upon acceptance of the office of elected mayor.

Even if a person has already served two consecutive terms, such person may serve another two consecutive terms if at least twenty-three months has passed since such person last served as a member of the City Council or elected mayor of the City. (Approved by electorate on November 5, 1996, pursuant to Resolution No. 96-46.)

### CHAPTER 3.1 - ESTABLISHMENT OF THE STATEWIDE GENERAL ELECTION DAY AS THE CITY'S GENERAL MUNICIPAL ELECTION DAY

Sec. 2350. Date of General Municipal Election. The City's General Municipal Election shall be held on the same day as, and consolidated with, the Statewide General Election on the first Tuesday after the first Monday of November in each even-numbered year. (Ord. 83-6)

Sec. 2351. Date of Taking Office. Elected officials elected at the General Municipal Election shall take their office on the fourth Tuesday after the day of the General Municipal Election. (Ord. 83-6)

### CHAPTER 4 - CITY PLANNING COMMISSION

Sec. 2400. Planning Commission Created. A Planning Commission for the City is hereby created. (Ord. 2-A)

Sec. 2401. Members. Said Planning Commission shall consist of seven (7) members who shall be qualified electors of the City, and who shall be appointed for terms of four (4) years, or for such lesser term as may be specified in the appointment. (Ord. 1; Am. Ord. 53; Ord. 94-7)

Sec. 2402. Absence from Meeting. If a member of the Planning Commission shall be absent from three (3) successive regular meetings of said Commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the Planning Commission shall immediately inform the City Council of such termination. (Ord. 2-A)

Sec. 2403. Absence for Cause. An absence due to illness or an unavoidable absence from the City and written notice thereof to the Planning Commission on or before the day of any regular meeting by the said Commission shall be deemed absence for cause. (Ord. 2-A)

Sec. 2404. Regular Meeting. A regular meeting as provided for by law or by rule of the Planning Commission or any regularly advertised public hearing shall be deemed a regular meeting. (Ord. 2-A)

Sec. 2405. Organization. The Planning Commission shall elect a Chairman, and Vice-Chairman from among its appointed members for a term of one (1) year and, subject to other provisions of law, may create and fill such other offices as it may determine. The Planning Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of the resolutions, transactions, findings, and determinations, which record shall be a public record. (Ord. 2-A; Am. Ord. 75-11)

Sec. 2406. Duties. Said City Planning Commission shall perform the duties and shall have all the rights, powers, and privileges specified and provided by municipal ordinance or resolution or by State law. (Ord. 2-A)

Sec. 2407. Expenses. Said City Planning Commission shall be entitled to compensation for all necessary and proper expenses incurred in connection with their meetings. (Ord. 2-A)

Sec. 2408. Term Limit. (Repealed Ord. 02-01)

Sec. 2409. Appointments and Vacancies. In the event an appointment to fill a vacancy does not occur until after the expiration of a term, the incumbent shall serve on the Commission until reappointed or replaced. If vacancies occur otherwise than by expiration of term, the vacancy shall be filled by appointment for the unexpired portion of the term. Should the unexpired term be for a period of less than one year, the City Council may appoint a member to serve for the unexpired term plus a full four-year term. Members shall be appointed by the Mayor with the approval of the City Council. (Ord. 94-7, Am. 97-3)

## CHAPTER 5 - PARKS, RECREATION AND BEAUTIFICATION COMMISSION

Sec. 2500. Commission Established. There is created a Parks, Recreation and Beautification Commission composed of seven members. (Ord. 170, Am. Ord. 76-11, Am. Ord. 92-2, Am. Ord. 98-9; Am. Ord. 05-02)

Sec. 2501. Qualifications of Commissioners. The regular members of the Commission shall be qualified electors of the City and shall serve without compensation. The members of the Commission shall hold no other public office in the City. (Ord. 107, Am. Ord. 76-11, Am. Ord. 92-2; Am. Ord. 05-02)

Sec. 2502. Terms of Office and Vacancies of Commission. Members of the Commission shall serve for a period of four (4) years. Vacancies in the Commission occurring otherwise than by expiration of term shall be filled in a manner hereinafter set forth for appointments. All members shall serve at the pleasure of the City Council. (Ord. 107; Am. Ord. 92-2; Am. Ord. 98-9; Am. Ord. 02-01; Am. Ord. 05-02)

Sec. 2503. Appointments and Vacancies. In the event an appointment to fill a vacancy does not occur until after the expiration of a term, the incumbent shall serve on the Commission until reappointed or replaced. If vacancies occur otherwise than by expiration of term, the vacancy shall be filled by appointment for the unexpired portion of the term. Should the unexpired term be for a period of less than one year, the City Council may appoint a member to serve for the unexpired term plus a full four-year term. Members shall be appointed by the Mayor with the approval of the City Council. (Ord. 107; Am. Ord. 92-2; Ord. 94-7; Ord. 97-3; Am. Ord. 05-02)

Sec. 2504. Organization of Commission. At its first regular meeting following February of each year, the members of the Commission shall elect a Chair and a Vice Chair, who shall hold office for one year. The Chair shall preside over meetings, appoint appropriate committees, sign resolutions, direct the affairs, and establish the meeting agenda of the Commission. In the absence of the Chair, the duties of this office shall be performed by the Vice Chair. (Ord. 107; Am. Ord. 92-2; Am. Ord. 05-02)

Sec. 2505. Procedure. The Commission shall adopt rules and regulations to govern procedure and shall set a time for regular meetings which will be held at least once a month. (Ord. 107; Am. Ord. 92-2; Am. Ord. 05-02)

Sec. 2506. Commission Quorum. A quorum shall be four members. (Ord. 107; Am. Ord. 92-2; Am. Ord. 98-9; Am. Ord. 05-02)

Sec. 2507. Absence from Commission Meetings. Absence of a member from three consecutive meetings, or five meetings in any calendar year period, without advance approval of the Commission, constitutes the voluntary resignation of such absent member. The position shall be considered vacated automatically and a replacement shall be appointed in accordance with Section 2503 after the member's third consecutive absence or fifth absence within a calendar year. (Ord. 107; Am. Ord. 92-2; Am. Ord. 05-02)

Sec. 2508. Commission Duties and Responsibilities. The duties and responsibilities of the Parks, Recreation and Beautification Commission shall be to:

- (A) Act in an advisory capacity to the City Council in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of sound park and recreation planning and programming;
- (B) Formulate policies on recreation services for approval by the City Council;
- (C) Recommend to the City Council the development of recreation areas, parks, facilities, programs and improved recreation services;
- (D) Recommend to the City Council the adoption of standards concerning parks, and recreation, community events, and beautification in respect to organization, personnel, areas and facilities, park maintenance, program and financial support;

(E) Assist in coordinating recreation services with the programs of governmental agencies and voluntary organizations; and assist in beautification activities for the purpose of encouraging residential beautification efforts;

(F) Advise the Parks and Recreation Manager in the preparation of the annual park maintenance, park improvement and recreation budgets and long range park and recreation facilities improvements;

(G) Hold public hearings and meetings to conduct investigations and surveys for the purpose of securing facts and data concerning any matters listed in this section. (Ord. 107; Am. Ord. 92-2; Am. Ord. 05-02)

Sec. 2509. Use of Parks and Facilities. All City parks and facilities are intended for the recreation use of the residents of the City of Grover City. When not in use for City business or recreation programs, the parks and facilities may be used by local groups and individuals for social, cultural and recreation activities. (Ord. 92-2)

Sec. 2510. Uses of Parks/Facilities Requiring Permits. (A) Any person(s) or organization(s) must first obtain a permit for use of any portion of any recreational facilities, parks or lands of the City for the purposes provided in this chapter.

(B) If the application for permit is found in good order, the person(s) or organization(s) shall be granted use of the facility, park and/or City land as requested.

(C) In the event the Director or his duly appointed representative refuses to grant the permit, the applicant may appeal such refusal in writing to the Parks and Recreation Commission by filing written notice thereof with the Director within ten (10) days following refusal of the permit.

(D) Uses requiring a person or organization to obtain a permit include (but not limited to) the following:

(1) Person(s) or group(s) proposing to erect or maintain a table, booth or similar structure;

(2) Group(s) of persons, exceeding fifty in numbers;

(3) Person(s) or group(s) desiring to reserve a facility or park for a limited time for their exclusive use;

(4) Any person(s) or group(s) desiring to make solicitations or sales;

(5) Any person(s) or group(s) desiring to hold a contest, demonstration or exhibit in a park or facility for which an admission or entrance fee is charged.

(E) All permits issued pursuant to this chapter are to be honored by all persons or groups when presented with a valid copy of the permit. (Ord. 92-2)

Sec. 2511. Enforcement. All park or facility use rules and regulations will be enforced by appropriate enforcement authorities of the City. (Ord. 92-2)

Sec. 2512. Damage of Parks/Facilities. No person shall cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structure; or foul any stream or dump any earth, rubbish, or other substance or material in or upon any park. Any such damage shall be a misdemeanor. Nothing listed within this section shall limit the Director or designate from authorizing necessary maintenance, safety or programming duties as necessary to complete the responsibilities of the Department. (Ord. 107, Am. Ord. 92-2)

Sec. 2513. Hours of Use Established. No person shall be in any park or facility between the hours of 11:00 p.m. and 5:00 a.m. unless written permission is obtained from the Parks and Recreation Director or representative. (Ord. 92-2)

Sec. 2514. No Smoking. There shall be no smoking within any recreational building under the direction, control and/or jurisdiction of the Parks and Recreation Department. (Ord. 92-2)

Sec. 2515. Alcohol Use and Sales. Use of alcohol within public park and facilities is allowed, subject to all laws of the State of California. The city may forbid, restrict, or otherwise limit the use of alcohol for any activity for which a permit is issued. (Ord. 92-2)

Sec. 2516. Skate Park Facility Usage and Fines. (A) Definitions: For purpose of this section the following definitions shall apply:

(1) Skate board: A skate board is a board-like object which has two axles attached to the bottom of the board-like object with two wheels attached to each axle and the user rides or stands upon the board-like object.

(2) In-line skates: In-line skates are footwear containing four or more axles mounted in a straight line extending generally from or behind the heel of the footwear to or in front of the toe of the footwear with a single wheel attached to each axle.

(B) All users of the skate park facility are required to wear appropriate safety gear, including helmets, elbow pads, and knee pads at all times while skating or skateboarding at the skate park facility. (Ord. 01-02)

(C) The skate park facility is for use during daylight hours only (daylight hours are defined as 8:00 a.m. until sunset.)

(D) The skate park facility is for use by persons using skate boards and in-line skates only. All other uses are prohibited.

(E) Smoking is not permitted at the skate park facility.

(F) All persons using the skate park facility shall do so at their own risk.

(G) A violation of any portion of this ordinance is an infraction and the fine for such violation shall be as follows:

(1) For a first offense, the fine shall be \$20.00.

(2) For a second offense within any 12 month period, the fine shall be \$50.00.

(3) For a third or subsequent offense within any 12 month period, the fine shall be \$100.00.

(Ord. 99-2)

## CHAPTER 6 - (RESERVED)

## CHAPTER 7 - MISCELLANEOUS

Sec. 2700. Public Places for Posting Ordinances, Resolutions and Notices. All ordinances, resolutions and notices required by law to be posted within the City of Grover City shall be posted in three (3) public places as set forth in this section in accordance with the provisions of Government Code § 36933:

- (A) City Hall, 154 South 8th Street, Grover City, CA;
- (B) US Post Office, Grand Avenue and 9th Street, Grover City, CA;
- (C) Grover City Chamber of Commerce, 177 S. 8th Street, Grover City, CA. (Ord. 1; Am. Ord. 68, Ord. 80-2, Ord. 92-8)

Sec. 2701. Filing Documents. The Mayor of the City, the City Clerk, the City Attorney, and the Mayor Pro Tem, are each appointed the authorized agent of the City for the filing with such offices and officers of the State of California and of the County of San Luis Obispo, of certified copies of ordinances and resolutions and such other documents as may be required for the proper and efficient conduct of the City's business. (Ord. 1; Am. Ord. 68, Ord. 92-8)

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CHAPTER 8 - PERFORMANCE OF PUBLIC PROJECTS;  
PURCHASE OF SUPPLIES AND EQUIPMENT; CONTRACTING FOR SERVICES

PART 1 - GENERALLY

Sec. 2800.2. (A) This article provides procedures for the performance of public projects, the purchase of supplies and equipment, and contracting for services.

(B) As used in this article, "Purchasing Agent" means the City Manager or employee designated as purchasing agent by the City Manager.

(C) The provisions of this article shall not apply to the extent that they conflict with any applicable State or federal laws or regulations or the terms and conditions of any grant, contract, gift or bequest otherwise consistent with law. (Ord. 97-11)

PART 2 - PUBLIC PROJECTS

Sec. 2801. Uniform Public Construction Cost Accounting Act. The City has elected to become subject to the Uniform Public Construction Cost Accounting Act (Public Contract Code section 22000 et seq.) in the performance of public projects. The procedures contained in this division are intended to implement and be consistent with such Act. (Ord. 97-11)

Sec. 2802. Definitions. (A) "Public project" means any of the following:

(1) Construction, reconstruction, erection, alteration, restoration, improvement, demolition and repair work involving any facility owned, leased or operated by the City.

(2) Painting or repainting any facility owned, leased or operated by the City.

(3) The construction, erection, improvement or repair of dams, reservoirs, powerplants and electrical transmission lines of 230,000 volts and higher that are part of a utility system owned by the City.

(B) "Public project" does not include maintenance work. "Maintenance work" means any of the following:

(1) Routine, recurring and usual work for the preservation or protection for its intended purposes of any facility owned or operated by the City.

(2) Minor repainting.

(3) Resurfacing at less than one inch deep of streets and highways.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants and servicing of irrigation and sprinkler systems.

(5) Work performed to keep, operate and maintain water, power or waste disposal systems owned by the City, including, but not limited to, dams, reservoirs, powerplants and electrical transmission lines of 230,000 volts and higher.

(C) "Facility" means any of the following:

(1) Any plant, building, structure, ground facility, real property, street, highway or other public work improvement.

(2) Any utility system owned by the City, subject to the limitation found in subdivision (a) (3) of this section.

(D) "Force account" means work performed on public projects using internal resources, including, but not limited to ' labor, equipment, materials, supplies and subcontracts of the City. (Ord. 97-11)

Sec. 2803. Contracting Procedures; Dollar Amount Limitations. (A) Public projects of \$25,000 or less may be performed by force account, by negotiated contract, or by purchase order. The director of the department in charge of the project is authorized to determine how and by whom the project shall be performed and to execute any contract or purchase order for the project and to execute any change order thereto if that change order, together with the amount of the original contract or purchase order and any previous change orders thereto, does not exceed \$25,000. Any change orders exceeding such total amount shall be submitted for approval by the City Council. All contracts, purchase orders and change orders shall be in a form approved by the City Attorney.

(B) Public projects from \$25,000.01 to \$75,000 shall be contracted for pursuant to the informal bidding procedures contained in section 2805.

(C) Public projects of more than \$75,000 shall be contracted for pursuant to the formal bidding procedures contained in section 2805.

(D) It shall be unlawful to split or separate any project into smaller work orders or projects for the purpose of evading the provisions of this division requiring work to be done by contract after competitive bidding. (Ord. 97-11)

Sec. 2804. Lists of Contractors and Trade Journals. (A) The purchasing agent shall develop and maintain a list of contractors, identified according to categories of work, in accordance with criteria determined by the California Uniform Construction Cost Accounting Commission.

(B) The purchasing agent shall maintain a list of the construction trade journals, as determined for San Luis Obispo County by the California Uniform Construction Cost Accounting Commission, that are to receive mailed notice of all informal and formal construction contracts being bid for work within San Luis Obispo County. (Ord. 97-11)

Sec. 2805. Informal Bidding Procedures. (A) When a public project from \$25,000.01 to \$75,000 is to be contracted for, the purchasing agent shall mail a notice inviting informal bids to all contractors on the list for the category of work being bid, to all construction trade journals on the list, and to such other contractors and trade journals as may be requested by the department in charge of the project. However, if a product of service essential to the project is proprietary and can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent only to such contractor or contractors.

(B) All mailing of notices inviting informal bids shall be completed not less than 10 calendar days before bids are due.

(C) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and shall state the time and place for the submittal of bids.

(D) The purchasing agent and the director of the department in charge of the project are each authorized to award and execute contracts for public projects of \$75,000 or less or to reject all bids and to execute any change order to such a contract if that change order, together with the amount of the original contract and any previous change orders thereto, does not exceed \$75,000.

Any change orders exceeding such total amount shall be submitted for approval by the City Council.

(E) If all bids received are in excess of \$75,000, the City Council may, by adoption of a resolution by a four-fifths vote, award the contract at \$80,000 or less to the lowest responsible bidder, if the City Council determines that the City's cost estimate was reasonable.

(F) If no bids are received, the project may be performed by force account or by negotiated contract.

(G) All contracts and change orders shall be in a form approved by the City Attorney. (Ord. 97-11)

Sec. 2806. Formal Bidding Procedures. (A) The City Council shall approve plans, specifications and working details for all public projects of more than \$75,000.

(B) When a public project of more than \$75,000 is to be contracted for, the purchasing agent shall prepare a notice inviting formal bids, which shall distinctly describe the project and state the time and place for receiving and opening sealed bids.

(C) At least 14 calendar days before the date of opening the bids, the purchasing agent shall publish the notice in a newspaper of general circulation, printed and published in the City. At least 30 calendar days before the date of opening the bids, the purchasing agent shall mail the notice to all construction trade journals on the list referred to in subsection (b) of section 2804. The purchasing agent may also give such other notice as the purchasing agent or the director of the department in charge of the project deems proper.

(D) The purchasing agent may reject any bids received. If, after the first invitation of bids, all bids are rejected, the purchasing agent may, after reevaluating the cost estimates for the project:

- (1) Abandon the project;
- (2) Readvertise for bids; or
- (3) Request that the City Council adopt a resolution by a four-fifths vote, declaring that the project can be performed more economically by City employees. If such a resolution is adopted, the purchasing agent may have the project done by force account.

(E) The purchasing agent shall award any contract to the lowest responsible bidder and is authorized to execute such contract.

(F) If no bids are received, the project may be performed by negotiated contract or by City employees by force account.

(G) The director of the department in charge of the project is authorized to execute any change order to a contract awarded pursuant to subsections (e) or (f) of this section, provided the change order does not exceed the total amount of the original contract and any previous change orders thereto. Any change order exceeding such total amount shall be submitted for approval by the City Manager.

(H) All contracts and change orders shall be in a form approved by the City Attorney. (Ord. 97-11)

Sec. 2807. Same-Bid Bonds. All sealed bids submitted pursuant to section 2806 must be accompanied by a bid security in an amount equal to at least 10 percent of the amount bid. A bid shall not be considered unless one of the forms of bid security specified in Government Code

section 20170 is enclosed with the bid. If the successful bidder fails to execute the contract, the amount of the bidder's security shall be forfeited to the City, except as provided in Government Code sections 20173 and 20174. (Ord. 97-11)

Sec. 2808. Performance and Payment Bonds. The purchasing agent or departmental director awarding a contract pursuant to section 2805, and the purchasing agent awarding a contract pursuant to section 2806, may require a faithful performance bond and shall require a payment bond in an amount equal to at least one-half of the amount of the contract. Such bonds shall be issued by an admitted surety insurer and be in the form of a bond, not a deposit in lieu of a bond. (Ord. 97-11)

Sec. 2809. Emergencies; Procedure. (A) In cases of great emergency, including, but not limited to, states of emergency defined in section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation or services of the City or to avoid danger to life or property, any public facility may be repaired or replaced, pursuant to the procedure set out in subsection (b), without adopting plans, specifications, strain sheets or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the City Council, by contract, or *by* a combination of the two.

(B) By majority vote, the City Council may declare an emergency and authorize the repair or replacement of a public facility, as described in subsection (a). If the City Council is not in session, the City Manager may take such actions, subject to confirmation by the City Council, by a four-fifths vote, at its next meeting. (Ord. 97-11)

### PART 3 - PURCHASE OF SUPPLIES AND EQUIPMENT

Sec. 2810. Authority to Purchase. Supplies and equipment may be purchased for the City by the purchasing agent and by such other City officers and employees. (Ord. 97-11)

Sec. 2811. Purchase Orders and Contracts. Purchases of supplies and equipment shall be made only by purchase order or by contract in a form approved by the City Attorney. The purchasing agent or the City officer or employee making the purchase is authorized to execute the purchase order or contract on behalf of the City. (Ord. 97-11)

Sec. 2812. Bids Required. Except when the commodity can be obtained from only one source, bids shall be obtained for all purchases of supplies or equipment of \$1,000 or more, in accordance with such procedures as the City Council may adopt by resolution. (Ord. 97-11)

Sec. 2813. Emergencies. If the City Council or the City Manager declares that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, the City Council or the purchasing agent may expend any sum required to purchase supplies and equipment in the emergency without complying with section 2805. (Ord. 97-11)

### PART 4 - CONTRACTING FOR TRADE SERVICES AND PROFESSIONAL SERVICES

Sec. 2814. Definitions. (A) "Trade services" are services other than professional services.

(B) "Professional services" are services and advice rendered by a specially trained and experienced person, firm or corporation in financial, economic, accounting, architectural, landscape architectural, engineering, environmental, land surveying, construction project management, legal or administrative matters. (Ord. 97-11)

Sec. 2815. Purchase of Trade Services. Trade services may be purchased for the City by the purchasing agent or by other City officers and employees in accordance with procedures adopted by resolution of the City Council. (Ord. 97-11)

Sec. 2816. Purchase of Professional Services. Professional services may be purchased for the City by the purchasing agent or by other City officers and employees in accordance with procedures adopted by resolution of the City Council. However, procedures for contracting for certain professional services are provided in division 5 of this article. (Ord. 97-11)

Sec. 2817. Purchase Orders or Contracts Required. (A) Every purchase of trade services shall be by purchase order or by contract in a form approved by the City Attorney.

(B) Every purchase of professional services shall be by contract in a form approved by the City Attorney.

(C) The purchasing agent or the City officer or employee making the purchase of trade services or professional services is authorized to execute the purchase order or contract on behalf of the City. (Ord. 97-11)

#### PART 5 - CONTRACTING FOR CERTAIN PROFESSIONAL SERVICES

Sec. 2818. Purpose. The purpose of this part is to ensure that certain professional services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the City and to ensure maximum participation by small business firms. (Ord. 97-11)

Sec. 2819. Definitions. (A) As used in this part, "services" means architectural, landscape architectural, engineering, environmental, land surveying and construction project management services rendered by private persons or firms, as such services are defined by section 4525 of the Government Code.

(B) As used in this part, "small business firms" means those businesses so defined by the California State Director of General Services pursuant to section 14837 of the Government Code. (Ord. 97-11)

Sec. 2820. Applicability. This part shall not apply when the person or body selecting the services determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Ord. 97-11)

Sec. 2821. Basis for Selection. Persons and firms shall be selected to render services to the City on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. (Ord. 97-11)

Sec. 2822. Activities Prohibited. (A) In contracting for services, no person shall engage in practices that might result in unlawful activity including, but not limited to, rebates, kickbacks or other unlawful consideration.

(B) If a City employee has a relationship with a person or business entity seeking a contract for services, and such relationship would subject the employee to the prohibition of section 87100 of the Government Code, such employee shall not participate in the process of selecting the contractor for those services. Section 87100 of the Government Code provides that no public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. (Ord. 97-11)

Sec. 2823. Procedure. (A) Requests for proposals for services may, but need not, state the amount that has been budgeted for the services. However, requests for proposals for services shall prohibit proposers from providing information as to the cost at which they would provide services.

(B) Requests for proposals for services shall require proposers to provide information as to their professional experience and qualifications. In addition, requests for proposals for construction project management services shall require proposers to provide evidence that the person or firm and its personnel carrying out onsite responsibilities have expertise and experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

(C) City staff shall make reasonable efforts to make small business firms located in San Luis Obispo County aware of requests for proposals issued by the City for services provided by such firms.

(D) City staff shall determine the best qualified proposers and rank them accordingly. Rankings shall be based on responses to the request for proposals and on any interviews with the proposers that City staff may conduct. Interviews need not be conducted if City staff has sufficient information from the responses to the request for proposals to determine rankings.

(E) City staff shall negotiate for a contract with the first ranked person or firm at a compensation that City staff determines is fair and reasonable to the City. If City staff is unable to negotiate a satisfactory contract with the first ranked person or firm, City staff shall notify such person or firm in writing that negotiations are terminated and shall begin negotiate with the second ranked person or firm, and so on in order of the rankings. If City staff is unable to negotiate a satisfactory contract with the second and third ranked person or firm, City staff may enter into negotiations with additional persons or firms in the order that they are ranked, pursuant to the same procedure, until a satisfactory agreement is reached, or may notify all remaining proposers that no additional negotiations will be entered into. In such case, City staff may issue a new request for proposals or perform the services with City employees. (Ord. 97-11)

Sec. 2824. No Obligation to Contract. Every contract for services must be awarded pursuant to this part. However, nothing in this part shall require City staff to enter into any contract for services with any person or firm. (Ord. 97-11)

## PART 6 - ADDITIONAL PROCEDURES

Sec. 2825. Purchasing Manual. The purchasing agent shall develop and maintain a purchasing manual that provides detailed procedures for compliance with City ordinances and resolutions and State and federal laws applicable to purchasing and contracting. (Ord. 97-11)

## CHAPTER 9 - CLAIMS AGAINST THE CITY

Sec. 2901. Authority. This chapter is enacted pursuant to section 935 of the California Government Code. (Ord. 01-05)

Sec. 2902. Claims Required. All claims against the City for money or damages not otherwise governed by the Tort Claims Act, sections 900 et seq. of the California Government Code, or another state law (hereinafter in this chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter. (Ord. 01-05)

Sec. 2903. Form of Claim. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by section 910 of the California Government Code. (Ord. 01-05)

Sec. 2904. Claim Prerequisite to Suit. In accordance with sections 935(b) and 945.6 of the California Government Code, all claims shall be presented as provided in this chapter and acted upon by the City Council prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of this chapter. (Ord. 01-05)

Sec. 2905. Suit. Any action brought against the City of Grover Beach upon any claim or demand shall conform to the requirements of sections 940-949 of the California Government Code. Any action brought against any employee of the City of Grover Beach shall conform with the requirements of section 950-951 of the California Government Code. (Ord. 01-05)