

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA, AMENDING SECTIONS 3-44.020, 3-44.070 AND 3-44.080 OF THE SANTA ROSA CITY CODE; REPEALING SECTIONS 3-44.160 AND 3-44.180 OF THE SANTA ROSA CITY CODE; AND ADDING SECTION 3-44.210

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 3-44.020 of the Santa Rosa City Code is amended to read as follows:

“3-44.020 Definitions.

As used in this Chapter, the following words are defined as follows:

(A) “Contract work” means employment of workers by contract, including change orders. “Contract work” excludes employment of City employees.

(B) “Day work” means maintenance or repair work performed by City employees.

(C) “Director” means the Director of Transportation and Public Works, the Director of Utilities or the Director of Recreation and Parks.

(D) “Force account” means work performed by a contractor on a time and materials basis.

(E) “General services” means any and all work performed or services rendered by independent contractors, with or without the furnishing of material, such as, but not limited to: custodial services, building and equipment maintenance, machinery and equipment rental, and telephone, gas, water, electric light and power services, excluding contracts for public works projects or professional services.

(F) “Graffiti eradication” means the removal or covering of graffiti, including, but not limited to, the use of a combination of chemicals, sandblasting and/or paint on both public and private property.

(G) “Maintenance” means recurrent, periodical or scheduled work required to preserve a public improvement, which includes work required to restore components that have deteriorated from wear and tear as well as work on a public improvement to prevent more costly damage or deterioration.

(H) “Major contract” means any contract let by the City for the performance of public works in an amount exceeding the cost limit established by Section 10105 of the State Contract Act.

(I) “Minor contract” means any contract let by the City for the performance of public works in an amount which does not exceed the cost limit established by Section 10105 of the State Contract Act.

(J) “Professional services” means services such as, but not limited to, the services of attorneys, physicians, architects, engineers, surveyors and other consultants or individuals or organizations possessing a high degree of technical skill.

(K) “Public work” means the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind, including demolitions, and the construction and installation of drainage systems, lighting and signaling systems, sewer and water systems, and park and recreational facilities.

(L) “Repair” means restoration of a public improvement or components to such condition that it may be used effectively for its designated purpose, by overhaul or replacement of constituent parts or materials that have fallen out of compliance with State or Federal regulations or have deteriorated by action of the elements, vandalism, or wear and tear which cannot be corrected through maintenance. Repair includes restoring or replacing components of a public improvement damaged by fire, storm, explosions, the elements and other such disasters.”

Section 2. Section 3-44.070 of the Santa Rosa City Code is amended to read as follows:

“3-44.070 Competitive bidding.

Except as otherwise provided in this Chapter or the Santa Rosa City Charter, public works shall be contracted for and let to the lowest responsible bidder after notice. Bidding may be delegated or dispensed with in the discretion of the Director or Purchasing Agent if the expenditure is less than \$10,000.00.”

Section 3. Section 3-44.080 of the Santa Rosa City Code is amended to read as follows:

“3-44.080 Exceptions to Competitive Bidding.

(A) Minor Contracts. A minor contract for public works may be made free of the bidding requirements of this chapter when the awarding authority determines that it is in the best interests of the City to suspend competitive bidding for that contract.

(B) Emergency Contracts. Emergency contracts for public works may be made free of the bidding requirements of this chapter when determined and declared by the awarding authority that an emergency exists.

(C) Sole Source Procurement. If limitations on the source or the scope and nature of the contract are such that no more than one contractor is available to meet the specifications, quality considerations, or other valid considerations, then contracts may be awarded free of any of the competitive bidding provisions of this chapter. Approval of the waiver of competitive bidding under this subsection may be made by the awarding authority after having reviewed and considered the reasons therefor.

(D) Day Work. The contracting and competitive bidding requirements of this Chapter are not applicable in instances of day work.”

Section 4. Section 3-44.160 of the Santa Rosa City Code is repealed.

Section 5. Section 3-44.180 of the Santa Rosa City Code is repealed.

Section 6. Section 3-44.210 is added to the Santa Rosa City Code to read as follows:

“3-44.210 Prevailing Wages, Employment of Apprentices.

(A) All public works, as defined in California Labor Code sections 1720, 1720.2, 1720.3, and 1720.6, are subject to division 2, part 7, chapter 1, article 2 of California Prevailing Wage Law, commencing with Labor Code section 1770 (“Article 2”). Contractors and subcontractors, as defined in Labor Code section 1722.1, shall comply with all of the provisions of Article 2.

(B) The purpose and intent of this section is to formally enact a prevailing wage ordinance governing all City public works contracts that includes requirements that in all respects are equal to the requirements imposed by the provisions of California Prevailing Wage Law.”

Section 7. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on \_\_\_\_\_, 2017.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED: \_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Interim City Attorney