

RESOLUTION NO. 23-144

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING AND CALLING FOR THE SUBMISSION TO THE VOTERS OF A CITY COUNCIL PROPOSED MEASURE TO AMEND CITY CHARTER SECTION 519 TO MODERNIZE PUBLIC WORKS CONTRACTING AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON MARCH 5, 2024

WHEREAS, the City Council desires to submit a proposed City Charter amendment to the voters at the Statewide Primary Election/Presidential Primary Election on March 5, 2024;

WHEREAS, the City Council desires to call a Special Municipal Election to be consolidated with the Statewide Primary Election/Presidential Primary Election on March 5, 2024;

WHEREAS, the proposed charter amendment does not alter any procedural or substantive protection, right, benefit, or employment status of any local government employee or any retiree or of any local government employee organization; and

WHEREAS, the proposed charter amendment is an exercise of the City's Constitutional home rule power regarding a matter of municipal affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. That pursuant to requirements of the Charter of the City of Santa Barbara and California Election Code, there is called and ordered to be held in the City of Santa Barbara on Tuesday, March 5, 2024, a Special Municipal Election for the purpose of submitting a City Council charter amendment proposal to the voters for approval.

SECTION 2. That the City Council, pursuant to its right and authority under State Government Code Section 34458, and Elections Code Sections 1415 (a)(2) and 9255, does order submitted to the voters at the municipal election on March 5, 2024, the following proposed charter amendment:

CITY OF SANTA BARBARA CHARTER AMENDMENT
 MEASURE ___ -2024

Shall the City Council proposed measure to amend City Charter Section 519 to modernize public works contracting be adopted?	YES
	NO

SECTION 3. The City Council approves and adopts the complete text of the amendment of City Charter Section 519 as follows, with deletions of existing text shown in strike out and additions shown in underlining for convenient reference only:

Section 519. Contracts on Public Works.

~~Except as herein provided, every project for the construction or improvement (excluding maintenance and repair) of public buildings, works, streets, drains, sewers, utilities, parks, playgrounds, Harbor facilities and Airport facilities, and each separate purchase of materials or supplies for the same shall be let to the lowest responsible bidder after notice in a manner specified by ordinance. newspaper of general circulation by two (2) or more insertions, the first of which shall be at least ten (10) days before opening bids. The City Council may reject any and all bids presented and may readvertise at its discretion.~~

~~In the interest of efficiency and fiscal economy, the City may dispense with public bidding if it makes either or both of the following findings:-~~

~~(1) The project can be performed more efficiently and more economically by City employees or by City employees working in conjunction with private contractors or subcontractors;~~

~~(2) The materials, supplies or services can be purchased at a lower price in the open market.~~

~~In the event that If the City Council makes the appropriate finding or findings, it may cause the project to be performed pursuant to subsection (1) above and/or the materials, supplies or services purchased pursuant to subsection (2) above. Such contracts may be let and such purchases made without the aforementioned findings being made if such work or the purchase of such materials, supplies or services shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by the affirmative votes of at least two-thirds (2/3) of the total members of the City Council.~~

~~Projects for the extension, replacement or expansion of the transmission or distribution system of the Water Department operated by the City may be excepted from the requirements of this section by the affirmative vote of a majority of the total members of~~

the City Council. The City Council by ordinance shall establish procedures for competitive procurement of contracts for public works and improvements not otherwise prohibited by law. The City may also procure contracts for public works and improvements by any procedure authorized by state statute.

SECTION 4. The City Council directs the City Clerk to transmit a copy of the proposed charter amendment to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the proposal, not to exceed 500 words in length, showing the effect of the proposal on existing law and the operation of the proposal. The City Attorney is further directed to transmit the impartial analysis to the City Clerk within ten days of adoption of this Resolution.

SECTION 5. Pursuant to Elections Code Section 9282, the City Council authorizes the mayor to file a written argument on its behalf regarding the measure, accompanied by up to four additional printed names and signatures of the persons joining the mayor in submitting it.

SECTION 6. Pursuant to Elections Code Section 9285, the City Council authorizes the City Clerk to select the arguments for and against the measure, which will be printed and distributed to the voters in accordance with this Resolution and state law. The City Clerk shall send a copy of the argument in favor of the measure to the authors of any argument against the measure and copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments. The author or a majority of the authors of an argument relating to the measure may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal argument shall not exceed 250 words. A rebuttal argument may not be signed by more than five persons. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 7. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 8. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 9. Pursuant to Elections Code Sections 10401 and 10403, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of the Special Municipal Election with the Statewide Primary Election/Presidential Primary Election to be held on Tuesday, March 5, 2024, for the submission of the measure.

SECTION 10. The County Elections Division is hereby authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 11. The Board of Supervisors of the County of Santa Barbara is hereby requested to issue instructions to the County Elections Division to take any and all steps necessary for the holding of the consolidated election.

SECTION 12. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Elections Division of the County of Santa Barbara.

RESOLUTION NO. 23-144

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on November 7, 2023, by the following roll call vote:

- AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Kristen W. Sneddon, Mayor Randy Rowse.

- NOES: None

- ABSENT: Councilmember Mike Jordan

- ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on November 8, 2023.



Sarah Gorman

Sarah Gorman, MMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on November 8, 2023.

Randy Rowse

Randy Rowse
Mayor