

MEASURE J

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The proposed Charter amendment, if adopted, would do two things:

- Amend Section 400 of the Charter to elect to use the Public Contract Code only when the City elects to use it
 - Allowing the City to set the rules and processes for delivery of its public works projects which best meets local needs
- Amend Section 1006 of the Charter to allow the City Council by Ordinance or Resolution to authorize the use of more than the one method to deliver public works projects

Cities are generally required to conduct public works projects by following the California Public Contract Code. The City is a Charter City which is authorized by the State Constitution to determine how it exercises its local contracting authority. California Public Contract Code Section 1100.7 requires all cities, including charter cities, to follow the Public Contract Code unless a charter provision in a charter city expressly exempts it or a charter city's ordinance conflicts with a provision of the Public Contract Code. The proposed amendment to Section 400, if adopted, exempts the City from the Public Contract Code unless the City on a project by project basis elects to be bound by it.

Existing Charter Section 1006 requires all public works construction contracts over an amount set by Ordinance to be awarded to the lowest responsible bidder. The proposed amendment to Section 1006 authorizes the City Council by Ordinance or Resolution to utilize additional methods of public works project delivery. By adopting the amendment to Section 1006, the City would have the ability to utilize public works contracting methods and procedures available to other cities under State law. If this amendment is not adopted, the City would continue to be limited to a single method of public works contracting.