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Article I. In General

- 2-1 Time and Place of Regular Meetings. The time and place of the regular meetings of the City Council shall be established by resolution of the City Council. (Ord.603)
- 2-1.1 City Council Salary.
 - 1. Each member of the City Council shall receive the sum of Three Hundred dollars (\$360.00) per month as authorized by Section 36516 of the California Government Code. Said sum is payable at the same time and in the same manner as payment to each of the officers and employees of the City. (Ord.661)
 - 2. This Ordinance becomes operative upon the date when one or more members of the Council of the City become eligible for the salary prescribed herein by virtue of beginning a new term of office following the general municipal election. (Ord.661)
- 2-2 Bond of City Treasurer. The treasurer of the city shall before taking office furnish and file with the City Clerk a good and sufficient bond in the penal sum of One Hundred Thousand dollars (\$100,000.00) for the safe discharge of his duties, such bond to be first approved by the City Council. (Ord.537)
- 2-2.1 City Treasurer Compensation. Pursuant to Government Code Section 36517 the City Treasurer shall receive compensation fixed by resolution. (Ord.543)
- 2-3 Bond of City Clerk. The City Clerk shall before taking office furnish and file with the Mayor a good and sufficient bond in the penal sum of Five Thousand Dollars (\$5,000.00) for the faithful discharge of his duties, such bond to be first approved by the City Council. (Ord.537)
- 2-3.1 City Clerk Compensation. Pursuant to Government Code Section 36517 the City Clerk shall receive a compensation fixed by resolution.

Ord.543)

2-4 Special Gas Tax Street Improvement Fund. To comply with the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code, with particular reference to section 2113 thereof, there is hereby created in the City Treasury a special fund to be known as the “Special Gas Tax Street Improvement Fund.”

All money received by the city from the state under the provisions of the Street and Highways Code for the acquisition of real property or interest therein for, or the construction, maintenance or improvement of streets or highways other than state highways shall be paid into such fund.

All money in such fund shall be expended exclusively for the purpose authorized by, and subject to all of the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code.

(Ord.281)

(As to streets and sidewalks generally, see Ch.19 of this code. As to taxation generally, see Ch. 21.)

2-4.1 Contract with Board of Administration of the Public Employees’ Retirement System.

That an amendment to the contract between the City Council of the City of Imperial and the Board of Administration, California Public Employees’ Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though set out in full.

The Mayor of the City is hereby authorized and empowered, and directed to execute said amendment for and on behalf of said Agency.

(Ord.670)

(Ord.660)

(Ord.767)

Article II. Planning Commission

(For state law as to planning commissions, see Government Code Sec. 65150. As to local planning generally, see Government Code Sec. 65100 et seq. As to subdivisions generally, see Ch. 20 of this Code. As to zoning generally, see Ch. 24)

2-5. Created. There is hereby created a planning commission of the City, to be hereafter known as the Planning Commission of the City of Imperial.

The Planning Commission is created and established pursuant to and in accordance with the provisions of Title 7 of the Government Code of the State of California. (Gov. Code Sec. 65100)

(Ord.552)

- 2-6. Composition; Appointment; Terms of Office. The Planning Commission shall consist of five (5) members. One Planning Commission member shall be appointed by each of the five (5) members of the City Council subject to approval of the Council.

The term of each Planning Commission member shall be four (4) years. The number of Planning Commissioners whose terms will commence on July 1 of each odd numbered year will coincide with the council seats filled at the election held the prior November of each even numbered year. An incumbent commissioner shall serve for their prescribed terms and until their successors have been duly appointed.

(Ord.627)

- 2-6.1 Qualifications. A person is not eligible to hold office as Planning Commissioner unless he is at the time of assuming such office a registered voter of the City of Imperial.

If, during his term of office, he moves his place of residence outside the city limits of ceases to be an elector of the city, his office shall immediately become vacant.

(Ord.552)

- 2-7 Powers and Duties. The planning commission shall have all of the powers, duties and obligations, as are or may be hereafter, from time to time, provided and set forth in Title 7 of the Government Code of the State of California.

(Ord.552)

- 2-8 Chairman, Vice-Chairman and Secretary. The Planning Commission shall, on an annual basis, elect its chairman and vice-chairman from among its members. The chairman and vice-chairman shall hold office for one year from July 1 of each year and until their successors are selected. The City Council shall appoint a secretary, who need not be a member of the commission. The chairman, vice-chairman and secretary serve at the pleasure of their respective appointing authorities.

(Ord.552)

- 2-9 Meetings; Rules; Records. The Planning Commission shall hold at least one regular meeting each month at a time and place to be fixed by it. The commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions, transactions, findings and determinations.

(Ord.353)

- 2-10 Appropriations, Expenditures. The city council will, from time to time, provide funds, equipment and accommodations necessary for the work of the commission. The expenditures of the commission, exclusive of gifts, shall at all times be within the amounts which may be from time to time appropriated to it by the council.

(Ord.353)

- 2-10.1 Compensation. Members of the city Planning Commission may be compensated in such amounts as the City Council may establish by resolution.

(Ord.546)

2-11 Removal of Planning Commissioner. Planning Commissioners serve at the pleasure of the City Council. Any member of the Planning Commission may be removed by the Mayor, subject to approval by a majority vote of the Council.

If, during his term of office, a Planning Commissioner misses three (3) consecutive regular meetings or misses sixty percent (60%) of all meetings within a six (6) month period, his office shall immediately become vacant.

(Ord.552)

2-12 Master Plan. The planning commission shall prepare and adopt a comprehensive long term general plan for the physical development of the city and of any land outside of the boundaries of the city, which in the judgment of the commission, bears relation to the planning of the commission. Such plan may be referred to as the master or general plan and shall be officially certified as the master or general plan upon its adoption by the commission and the City Council. The master or general plan shall be so prepared that all or portions of it may be adopted by the council as a basis for the development of the city.

(Ord.353)

Article III. Procedures for Filing Claims and Actions.

2-13 Covered Claims. Pursuant to Section 935 of the Government Code, all claims against the City of Imperial for money or damages which are excepted by Section 905 of the Government Code from the provisions of Division 3.6 of the Government Code (Section 810 et. seq.), and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedures prescribed in this Ordinance.

(Ord.439)

2-14 Written Claim Required. A signed written claim shall be presented to the City Clerk by mailing or delivering it to the City Clerk. The claim shall conform to the requirements of Section 910 of the Government Code or a form provided by the City if such form is provided.

(Ord.439)

2-15 Action on Claims. Unless otherwise provided in this Ordinance, the procedures for presentation, consideration and action upon all claims filed pursuant to this Ordinance shall be the same as the procedures provided and required by Section 910 and 915-2 of the Government Code, except 911.2, which provisions and sections are hereby adopted as the requirements of this Ordinance.

(Ord.439)

2-16 Limitation Claims. A claim under this Ordinance shall be presented not later than 100 days after the accrual of the cause of action. Upon written request prior to the expiration of the 100-day period, the City Clerk may extend the time for filing a claim. The presentation and action on claims provided herein shall be a prerequisite to suit thereon,

and such suit shall be subject to the provisions of Section 945.4 and 945.6 of the Government Code.

(Ord.439)

Article IV. Redevelopment Agency

2-17 Necessity. The City Council finds that by reason of continuing blight within the city area there is need for a Redevelopment Agency.

(Ord.482)

2-18 Creation. The Redevelopment Agency of the city is hereby created and established.

(Ord.482)

2-19 Members and Terms. The members of the City Council shall serve as the members of the Redevelopment Agency, their terms of office to be concurrent with their terms of office as council members.

2-20 Compensation. The members of the Redevelopment Agency shall serve without compensation, except that they shall be reimbursed their necessary expenses incurred in connection with the performance of their duties.

(Ord.482)

2-21 Powers and duties. The members of the Redevelopment Agency shall have the powers and duties that are prescribed in Part 1 of Division 24 of the Health and Safety Code, Section 33000, et. Seq.

(Ord.482)

2-22 Secretary. The secretary is responsible for the records of the Agency, shall act as secretary of the meeting of the agency and record all votes, and shall keep a record of the proceedings of the agency in a journal of proceedings to be kept for such purposes and shall perform all duties incident to his or her office.

(Ord.482)

2-23 Personnel. The Agency may from time to time employ such personnel as it deems necessary to exercise its powers, duties, and functions as prescribed by the Community Redevelopment Law, as amended, of the State of California applicable thereto. The selection and compensation of personnel shall be determined by the Agency subject to the laws of the State of California.

(Ord.482)

2-24 Regular meeting. Regular meetings of the Agency shall be held on the first Wednesday of each month at 8:00 p.m. or as soon thereafter as possible, provided that, if such a day is a legal holiday, then such meeting shall be held on a subsequent date as determined by a majority of the Agency. Meetings are held in the city council chambers, 420 South Imperial Avenue.

(Ord.482)

2-25 Special meeting. A special meeting may be called at any time by the chairman of the Agency or upon written request of three (3) members of the Agency, by delivering personally or by mail, written notice to each member of the Agency and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Agency other than designated in the call.

(Ord.482)

2-26 Adjournment. Any regular or special meeting may be adjourned to a day and time certain for the completion of the business of such meeting.

2-26.1 Quorum. Three (3) members shall constitute a quorum for the transaction of business.

(Ord.482)

Article V. Department of Finance

2-27 Creation of Office. In order to establish a central office for the uniform processing of all fiscal and budgetary functions of the city, there is established the department of finance of the city.

2-28 Chief Accounting Officer. The city finance director shall be the chief accounting officer of the city and shall have charge of the administration of the financial affairs of the city, under the direction of the city manager.

2-29 To be Tax Collector and License Collector. The city finance officer shall be ex officio tax collector and license collector of the city.

2-30 Accounting Duties. The director of finance shall be the chief accounting officer of the city and shall consolidate in the department of finance all of the accounting functions of the city and its various departments, divisions and services. All of the duties, responsibilities and authority imposed upon the city clerk as chief accounting officer under the provision of Government Code §§ 31200-31208 and 40802-40805 are transferred to and imposed upon the director of finance or the department of finance of the city. Before undertaking such duties the director of finance shall execute such bond as may be requested by the city council.

2-31 Additional Duties. In addition to the duties described in section 2-30, the director of finance and the department of finance of the city shall be charged with the following:

1. Assist the city manager in the preparation of the annual budget and certify the accuracy of anticipated revenues.

2. Prescribe and control forms and procedures for any function of any other department which shall pertain to revenues, receipts or expenditures of any kind or nature whatsoever.
3. Prepare and issue all warrants and payroll checks.
4. Prepare financial statements and statistical reports as shall be required by any governmental agency or the city council.
5. Perform such cost accounting procedures as the city manager may direct.
6. Perform periodic audits of any activities of any department of the city having to do with the handling of money.
7. Supervise the current inventories of all property of the city by all city departments, offices and agencies.
8. Supervise and be responsible for disbursement of all funds.
9. Perform such other functions as shall from time to time be prescribed by the city council. (Ord 648)

Article VI. City Manager

2-32 Creation of office; appointment and term. The office of city manager is hereby created and established. The city manager shall be appointed by the city council solely on the basis of his executive and administrative qualifications and ability and shall hold office at and during the pleasure of the city council.

(Ord.647)

2-33 Residence requirement. Residence in the city at the time of appointment of the city manager shall not be required of the city manager. No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such council member shall have ceased to be a member of the city council of Imperial.

(Ord.647)

2-34 Bond. The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council, which shall be conditioned upon the faithful performance of the duties prescribed in the article. Any premium for such bond shall be a proper charge against the city.

(Ord.647)

2-35 Designation of substitute. In the absence or disability of the city manager the city council may designate some duly qualified person to perform the duties of city manager, who shall be

subject to the same terms and conditions and have the same powers and duties, during the period of such absence or disability.

(Ord.556)

2-36 Compensation and expense allowance. The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and fix by resolution. The city manager shall be reimbursed for all sums necessary incurred or paid by him in the performance of his duties, or incurred or paid when traveling on business pertaining to the city and under direction of the city council. Reimbursement therefore shall only be made upon an itemized verified claim presented to the city council and by it duly approved and allowed. Such compensation and reimbursement shall be a proper charge against the general fund.

(Ord.556& 647)

2-37 Powers and duties. The city manager shall be the administrative head of the city government, under the direction and control of the city council, except as otherwise provided in this Code and other ordinances of the city. He shall be responsible for the efficient administration of all the affairs of the city which are under his control. In addition to his general powers and duties as administrative head, and not as a limitation thereof, it shall be his duty and he shall have the following powers:

1. *Enforcement of laws and franchises.* To see that all laws and ordinances of the city are duly enforced, and that all franchises, permits, licenses and privileges granted or given the city are faithfully observed and complied with.
1. *Control of city officers and employees.* To control, order and give directions to all heads of departments, subordinate officers and employees of the city, except the city clerk, city treasurer and city attorney; to transfer employees from one department to another; and to consolidate or combine offices, positions, departments or units under his direction.
2. *Appointment and removal of city officers and employees.* To appoint and remove any officers and employees of the city, except the city clerk, city treasurer and city attorney.
3. *Control of governmental departments.* To exercise control over all departments of the city government and over all appointive officers and employees thereof, except the city clerk, city treasurer and city attorney.
4. *Attendance a council meetings.* To attend all meetings of the city council unless excused therefrom by the city council, except when removal of the city manager is under consideration by the city council.
5. *Recommending legislation.* To recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient.

6. *Reports to council.* To report to the city council in writing at its first regular monthly meetings a statement as to the financial condition and needs of the city.
7. *Preparation of budget.* To prepare and submit to the city council an annual budget of the city.
8. *Purchases.* To order and purchase all supplies for all of the departments and divisions of the city. No expenditure shall be submitted or recommended to the city council except on order or approval of the city manager.
9. *Investigation of city affairs.* To make investigations into the affairs of the city, and any department or division thereof, and of any contract, obligation, project or enterprise appertaining to the city.
10. *Investigation of complaints.* To investigate and all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities of the city.
11. *Supervision of public property.* To exercise general supervision over all public buildings, public parks and other public property under the control and jurisdiction of the city council, and not specifically delegated to a particular board or official of officer.
12. *Other duties.* To perform such other duties and exercise such other powers as may be delegated to him from time to time by this Code or other ordinance or resolution or motion of the city council.

(Ord. 647)

2-38 Interference by council. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any members thereof shall give orders to any subordinate of the city manager.

(Ord. 647)

2-39 Removal-Generally.

- a. The removal of the city manager shall be only upon a majority vote of the council of the city, subject, however to the provisions of this section. In case of his intended removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him and the reason therefore, at least thirty (30) days before the effective date of his removal.
- b. Within seven (7) days after the delivery to the city manager of such notice he may, by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual

meeting place, but before the expiration of the thirty (30) day period, at which the city manager shall appear and be heard, with or without counsel.

- c. After furnishing the city manager with written notice of intended removal, the city council may suspend him from duty, but his compensation shall continue until his removal by resolution of the council passed subsequent to the aforesaid hearing.
- d. In removing the city manager, the city council shall have uncontrolled discretion and its action thereon shall be final and conclusive, and need not depend upon any particular showing or degree of proof at the hearing. The purpose of the hearing is to allow the city manager to publicly present the city council his grounds of opposition to his removal.
- e. The city manager shall not be removed from office within a period of ninety (90) days next succeeding any general municipal election held in the city at which election of a member of the city council is elected. The purpose of this provision is to allow any newly elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his office. After the expiration of said ninety (90) day period aforementioned, the provisions of the preceding paragraphs as to the removal of said city manager shall apply and be effective. Nothing herein shall prevent the immediate suspension or removal from office of the city manager at any time where a majority of the city council has reasonable cause to believe that the incumbent city manager has intentionally misappropriated public funds or otherwise intentionally violated his public trust for the personal gain of himself or others. In the event the city manager and city enter a written contract of employment calling for a specified term, and such term is due to expire within six (6) months prior to a city council election, such term may not be extended for a period in excess of sixty (60) days beyond the date of election.

(Ord. 556 & 647)

- 2-40. Supplemental Agreements. Nothing in this ordinance shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager, delineating additional terms and conditions of employment not inconsistent with any provisions of this article.

(Ord.647)

Article VII. Rules and Regulations for the Administration
Of Employer-Employee Relations

2-50 General provisions

- 2-51.1 Statement of Policy and Purpose. This Ordinance of the City of Imperial (hereinafter referred to as “City”) complies with the provisions of the Meyers-Miliias-Brown Act (Chapter 10, Division 4, Title 1 of the California Government Code, Section 3500 et seq.) and other applicable State laws relating to the promotion of full communications and

good relations between the City and its employees. The Meyers-Milias-Brown Act is a comprehensive law governing employer-employee relations in public agencies such as the City. This Ordinance is authorized by Government Code Section 3507, however, nothing in this Ordinance shall interfere with the City's efforts to protect the public by assuring the orderly and uninterrupted operations and services of the City at all times.

The purposes and objectives of this Ordinance are as follows:

- a) To recognize and define the rights of employees to join organizations for the purpose of representation on matters of employer-employee relations (wages, hours and other terms and conditions of employment);
- b) To establish rules, regulations and procedures to carry out the policies noted above, and
- c) To create a procedure to insure that all City employees and their representatives continue to be fairly treated, that their rights are maintained, and that their requests are fairly heard, considered and resolved.

Nothing in this Ordinance shall be construed to mean that an employee is required to join an employee organization for purposes of representation. Individual employees have the choice of joining an organization for representation or declining to join an organization.

This Ordinance supersedes and vacates any prior City resolution or ordinance to the extent that such ordinance or resolution is inconsistent with or may be construed to be inconsistent with this Ordinance.

2-50.2 Definitions.

- a) Appropriate Unit. The broadest feasible grouping of employee positions that share an identifiable community of interest in their job functions as further described in Article 2-51.2(b) below.
- b) City. The City of Imperial and all of its Departments and agencies.
- c) Day. Business working day unless expressly stated otherwise.
- d) Employee. Any person regularly employed by the City except those persons elected by popular vote.
- e) Employee, confidential. An employee who, in this course of his or her duties, has access to information relating to the City of Imperial administration of employer-employee relations.
- f) Employee, profession. Employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction including, but not limited to, attorneys, engineers and architects.

- g) Employee, organization. An organization of employees of the City which has as one of its primary purposes representing such employees in their employee relations between City management and employees or employee organizations.
- h) Employee Relations. The relationship between the City and its employees and their employee organization(s) or, when used in a general sense, the relationship between City management and employees or employee organizations.
- i) Employee Relations Officer. The City Manager or his/her designated representative who is authorized to act as liaison between the employees and/or employee organizations and the City management and City Council on all matters of employee relations as defined in this Ordinance. The overall role of the Employee Relations Officer is to facilitate open communications between employees and City management and City Council and to provide, as impartially as possible, advice on matters of employee relations consistent with this Ordinance.
- j) Formally Recognized Employee Organization. An employee organization which has been formally acknowledged by the City pursuant to Article 2-51.2 below for the purpose of representing employees in an appropriate representation unit in connection with the meet and confer process.
- k) Impasse. A situation in which the representatives of the City and a Formally Recognized Employee Organization have reached a point in their meeting and conferring in good faith that their differences on matters to be included in a Memorandum of Understanding, and concerning which they are required to meet and confer, remain so substantial and prolonged that further meeting and conferring would be futile.
- l) Management Personnel.
 - 1. Any employee having significant responsibilities for formulating and administering City policies and programs, including, but not limited to, the City manager, Department Heads, and the Chief of Police.
 - 2. Any employee having authority to exercise independent judgment to hire, transfer, suspend, layoff, evaluate, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them or to adjust their grievances or effectively to recommend such action if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature but requires the use of independent judgment.
- m) Management Representative. The City Manager or his or her designated representative. The management representative shall represent the City Council in all matters included in, but not limited to, the provisions of this Ordinance.

- n) Mediation or Conciliation. The efforts of an impartial third person or persons functioning as intermediaries to assist the parties involved in Formally Recognized Employee Organizations and City management in reaching a voluntary resolution to an impasse through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.
- o) Meeting and Confering. (sometimes referred to as “meet and confer in good faith”). Performance by duly authorized City representatives and duly authorized representative of a Formally Recognized Employee Organization established as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation including wages, hours, and other terms and conditions of employment in an effort to 1) reach agreement on those matters within the authority of such representation; and 2) reach agreement on what will be recommended to the City Council on those matters within the decision-making authority of the City Council. Nothing in this process requires either party to agree to a proposal or to make a concession.
- p) Memorandum of Understanding. A written agreement of Memorandum of Understanding signed by the duly authorized representatives of the City and a Formally Recognized Employee Organization representing a majority of employees in an appropriate unit which incorporates all matters agreed upon between the City and the employee organization after the meeting and conferring process is concluded between the City and the Formally Recognized Employee Organization. As to those matters within the authority of the City Council, the Memorandum of Understanding shall be submitted to the City Council for determination.
- q) Retained Rights Excluded from the Scope of Representation. The retained rights of the City shall include, but are not limited to, the exclusive right to determine its mission and the mission of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and numbers and types of personnel by which government operations are to be conducted; determine the content of job classification; take all necessary actions to carry out its mission in emergencies; contract out and subcontract out work; and exercise complete control and discretion over its organization and the means, methods, procedures and technology of performing its work. Such rights are subject to any meet and confer obligation not previously fulfilled with the Police Officers Association.
- r) Scope of Representation. Pursuant to Government Code Section 3504, the scope of representation shall include all matters relating to employment conditions and

employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment. However, the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.

(Ord.634)

2-51 Meeting and Confering with Recognized Employee Organizations

2-51.1 Basic Purpose. The purpose of the meet and confer process in the City is to comply with the provisions in the Meyers-Miliias-Brown Act and other applicable State laws relating to employee relations.

2-51.2 Recognition Procedures.

a) Request for Recognition.

Any group of employees in the City who desire to form a Formal Employee Organization and elect an organization to represent them for purposes of meeting and confering in good faith as the majority representative of employees in an appropriate unit shall file with the Employee Relations officer a request for Recognition containing the information outlined below. Said Request, including all accompanying documents, shall be verified under oath by the Executive Office and Secretary of the organization that the statements are true. All changes in information contained in the Request shall likewise be verified under oath.

1. Name and address of the Employee Organization seeking recognition.
2. Names and titles of its officers.
3. Names of employee Organization representatives, not exceeding one in number, and the designated attorney representing such organization, who are authorized to speak on behalf of its members.
4. A statement that the Employee Organization has, as one of its primary purposes, representing employees in their employment relations with the City.
5. A statement whether the Employee Organization is a chapter or local of, or affiliated directly or indirectly in any manner with, a regional, state or international organization and, if so, the names and address of each such regional, state, national or international organization.
6. A statement that the Employee Organization has no restriction on membership based on race, color, creed, sex, disability, national origin or any other impermissible restriction.
7. Certified copies of the Employee Organization's constitution and by-laws.

8. A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the Employee Organization for any purpose.
9. A request that the Employee Relations Officer formally certify the group requesting recognition as the Formally Recognized Employee Organization representing employees for the purpose of meeting and conferring in good faith.

Upon receipt of a Request for Recognition, the Employee Relations Officer shall determine whether there has been compliance with the above. Where compliance is not met, the Employee Relations Officer shall return the Request advising of the specified deficiency(ies). The person or persons submitting the Request may either modify or withdraw the Request accordingly. Where compliance has been met, the Employee Relations Officer shall transmit a copy of the Request for Recognition to the City Council for review.

b) Determination of Appropriate Unit.

1. Determination by City Council. The City Council, upon recommendation of the City Manager, shall determine the appropriate employee representation units based on, but not limited to, the following:
 - i. The effect of the unit on the efficient operations of the City and its compatibility with the primary responsibility of the City and its employees to effectively and economically serve the public. Employee units shall further be consistent with the organization patterns of the City.
 - ii. Similarity of the general kinds of work performed, types of qualifications required and the general working conditions of the employees in the units. In this connection, employee representation units shall be the broadest feasible grouping of positions that share an identifiable community of interest.
 - iii. The history of employer-employee relations in the unit and between the City and its employees. However, no unit shall be deemed to be an appropriate unit solely on the basis of the extent to which employees in the unit have organized.
 - iv. The number of employees and classifications, and the effect on the administration of employer-employee relations created by the fragmentation of classifications and proliferation of units.

- v. The effect on the classification structure and impact on the stability of the employer-employee relationship of dividing a single or related classification among two or more units.

c. In Establishing Appropriate Representation Units:

1. Professional employees shall not be included in a representation unit with nonprofessional employees unless a majority of such employees indicate, by petition or vote, a desire to be included in such unit.
2. Supervisory employees may be included in the unit provided that the inclusion of such supervisory employees will not in any way jeopardize the efficient operation of the City or interfere with the rights retained by the City.
3. Confidential employees shall not be included in a representation unit with nonconfidential employees unless such confidential employees are in the same classification as nonconfidential employees; provided, however, that in such event, such confidential employees shall not participate in the Employee Organization as representatives in its dealings with City or its Management Representative.

d. Acknowledgment by City. Where the City Council has established appropriate employee representation units and where the Employee Relations Officer has reviewed a Request for Recognition by an Employee Organization to represent employees in one of those established units, the Employee Relations Officer shall return the Request for Recognition to them with a letter acknowledging that the organization is a formal Organization of the City and a potential representative of employees within an appropriate representation unit. The letter shall also include the steps required pursuant to the petition or election procedures to establish whether a majority of employees in an appropriate unit desire to be represented by said Employee Organization.

e. Formal Recognition as the Majority Representative in an Appropriate Unit.

1. An Employee Organization that seeks formal recognition as the majority representative in an appropriate unit shall file a Petition for Recognition with the Employee Relations Officer containing all of the information set forth in Article 2-51.2 accompanied by proof that at least 30% of the employees in the unit claimed to be appropriate have designated the Employee Organization to represent them in their employment relations with the City provided, however, the proof be submitted to a mutually agreed upon disinterested third party. Upon receipt of the Petition for Recognition, the Employee Relations Officer shall determine whether there has been compliance with the requirements of the Petition for Recognition and whether the proposed unit is an

appropriate unit. If an affirmative determination is made by the Employee Relations Officer on the foregoing matter, he or she shall give notice of such request for formal recognition to the employees and shall take no action on said request for 10 days thereafter, if either of the foregoing matters are not affirmatively determined, the Employee Relations Officer shall inform the Employee Organization of the reasons therefore in writing.

2. Within 10 days of the date of notice to employees is given, any other Employee Organization (hereinafter referred to as the "challenging organization") may seek formal recognition by filing a Petition for Recognition, provided, however, such challenging organization must submit written proof that it represents at least 30% of the employees. The Employee Relations Officer may hold a hearing on such Petitions, at which time affected Employee Organizations may be heard. Thereafter, the Employee Relations Officer shall determine the majority representative as provided below.
3. Recognition Without Election. Where only one employee organization desires to be the representative of a majority of employees in an appropriate unit, and it is determined by the Employee Relations Officer or a third party that said organization clearly represents more than one half of the employees in the unit, the organization may be recognized as the majority representative of the employees in the unit without an election.
4. Election Procedure in Lieu of Petition. Where there is more than one Employee Organization desiring to be the representative of a majority of employees in an appropriate unit or where, in the opinion of the Employee Relations Officer, it is deemed necessary or desirable to do so, an election shall be held among employees in appropriate units to determine whether said employees desire to be represented by an Employee Organization for purposes of meeting and conferring and, if so, which one. Said election shall be a secret ballot election, shall include the names of all Employee Organizations formally acknowledged by the City, and shall also include the choice of "no organization."

Employees entitled to vote in such election shall be persons employed in regular permanent positions within the designated appropriate unit who were employed during the pay period immediately prior to the date of the election. In an election involving three or more choices where none of the choices receives a majority of valid votes cast a run-off election shall be conducted between the two choices receiving the largest number of valid

votes cast. The rules governing an initial election shall be applicable to the run-off election.

f. Certification and Decertificaion of Formally Recognized Employee Organization.

Following submission of a bona fide petition and certification of an employee organization and/or at the conclusion of the election procedure, the Employee Relations Officer shall advise all Employee Organizations requesting formal recognition for purposes of meet and confer whether those Employee Organizations have been chosen as the majority representative of employees in an appropriate unit for purposes of meeting and conferring in good faith. Where an election has been held, a copy of the ballot results shall also be transmitted to the Employee Organizations included on the ballot.

Those Employee Organizations who have been chosen by a majority of employees in an appropriate unit shall receive a Certification from the Employee Relations Officer recognizing the Employee Organization as the Formally Recognized Employee by the city regarding matters within the Statutory scope of representation including wages, hours and other terms and conditions of employment.

Those Employee Organizations who were previously recognized as Formal Employee Organizations of the city by virtue of a prior petition or election and who no longer receives a majority indication among employees in an appropriate unit that they want that organization to represent them shall be decertified by the Employee Relations Officer.

g. Decertification of Recognized Employee Organization.

1. A Petition of Decertification alleging that an Employee Organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed with the Employee Relations Officer during any month following the firs full two years of formal recognition. The Petition for Decertification may be filed by a group of employees or their representatives or by an Employee Organization. The Petition, including all accompanying documents, shall be verified, under oath, by the person signing it, that its contents are true. The Petition for Decertification shall contain the following information:

- i. The names, addresses and telephone numbers of the petitioner and a designated representative authorized to receive notices or requests for further information.

- ii. The name of the Formally Recognized Employee Organization.
 - iii. An allegation that the formally recognized employee organization no longer represents a majority of the employees in an appropriate unit, and any other relevant and material facts.
 - iv. Written proof that at least 30% of the employees do not desire to be represented by the formally recognized Employee Organization. Such written proof shall be dated within sixty (60) days of the date upon which the petition is filed and shall be submitted for confirmation to the Employee Relations Officer or to a mutually agreed upon disinterested third party.
 - v. The Employee Relations Officer shall arrange for a secret ballot election to determine if the formally recognized Employee Organization shall retain its recognition rights. The Formally Recognized Employee Organization shall be decertified if a majority of those casting valid ballots vote for decertification.
 - vi. Decertification elections can be filed no earlier than ninety (90) days and not later than sixty (60) days from the expiration date for the current Memorandum of Understanding, or at any time when there is no Memorandum of Understanding in effect.
- h. Duration of Formal Recognition. When an Employee Organization has been Formally Recognized, such recognition shall remain in effect for two years from the date thereof, and thereafter, until such time as the Employee Relations Officer shall determine, on the basis of a secret ballot election conducted in accordance with the foregoing rules that the Formally Recognized Employee Organization no longer represents a majority of the employees in the appropriate unit.
- i. Cost Election Proceeding. The cost of any election proceeding shall be borne by the Employee Organization or organizations who petition for the election.

2-51.3 Rights and Obligations.

- a. Employee Rights.
Employees of the City shall have the right to form, join and participate in the activities of Employee Organizations of their own choosing for the purpose of

representation on all matters of employer-employee relations including but not limited to wages, hours, and other terms and conditions of employment. Employees of the City also shall have the right to refuse to join or participate in the activities of Employee Organizations and shall have the right to represent themselves individually in their employment relations with the City. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the City or by any Employee Organization because of his or her exercise of these rights.

b. Rights Retained by City.

The rights of the City shall include, but are not limited to, the exclusive right to determine its mission and the missions of its constituent departments, commissions and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and numbers and types of personnel by which government operations are to be conducted; determine the content of job classification; take all necessary actions to carry out its mission in emergencies; contract out and subcontract out work; and exercise complete control and discretion over its organization and the means, methods, procedures and technology of performing its work. Such rights may be subject to any previously unfulfilled obligation to meet and confer with the Police Officers Association.

2-51.3 Meet and Confer Process

a. Notification

Except in cases of emergency as provided in the Section, the City Manager shall give reasonable written notice to each Formally Recognized Employee Organization affected of any ordinance, rules, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council.

In cases of emergency when the Council determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a Formally Recognized Employee Organization, the City Manager shall provide such notice and opportunity to meet with the Management representative of the Council at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation(s).

b. Initiation of Meeting and Conferring

Either the Formally Recognized Employee Organization, or the Employee Relations Officer or City manager representative may request a meet and confer session on any matter within the scope of representation by filing a letter stating the subject matter of the session with the other party. The letter shall contain the following information:

1. Name of Initiator
2. Name of Respondent

3. Subject matter of the meet and confer session
4. A suggested time and place for the meeting which must be provided within ten (10) days of the date of filing.

If the respondent believes that the subject matter is not within the scope of representation, or meeting and conferring is not required because of the terms of a Memorandum of Understanding, he/she shall advise the other party.

c. Reasonable Time Off to Meet and Confer

The Formally Recognized Employee Organization may select two employee members of such organization to attend scheduled meetings with the Employee Relations Officer or other management officials on subjects within the scope of representation during regular work hours without loss of compensation. If the organization represents more than 40 employees in an established unit, the parties shall agree on an appropriate number of employees in addition to the two authorized by this section.

No employee representative shall leave his or duty or work station or assignment without specific approval of the immediate supervisor or other authorized City Management personnel.

d. Meeting Procedures

1. Submission of Data. It is the responsibility of the initiating party at the meet and confer session to present facts and figures and other data either orally or in writing to substantiate its position. The initiating party, where appropriate, shall file written documentation with the respondent in advance of the scheduled meet and confer session to facilitate discussion.

2. Scheduling of Meetings. The scheduling of meet and confer sessions is subject to mutual consent of the parties in a manner consistent with the operating needs and work scheduling of the City. If either party feels the other party has failed to meet and confer, or to continue meeting and conferring, within a reasonable period of time, that party may initiate the impasse procedures provided for in this Ordinance.

3. Meetings:

- i. Subject Matter. The parties shall then agree on the matters to be covered by the session and any other ground rules deemed necessary to facilitate the efficient and satisfactory conclusion of the session.
- ii. Impasse. If at anytime during the negotiations the parties thereto reach a point in their discussions where their differences have become so substantial and prolonged that

further meeting and conferring would be futile, the parties shall declare their intent to go to impasse procedures pursuant to Section 2-51.5 of this Ordinance and discussions in the meet and confer session shall immediately cease.

e. Recordation of the Meetings.

Each party, at the meet and confer sessions may record the proceedings by mechanical means only upon mutual consent of both parties.

f. Confidentiality.

All communications, written and oral, including tape recordings, should be considered confidential as between the parties should not be considered public documents while the parties are participating in the meet and confer process until the conclusion of impasse, and any mediation procedure to which the parties have agreed. Each party shall provide a place of safekeeping for said documents which will insure their confidentiality. This Section shall not be interpreted to prohibit the display or reproduction of said documents in the following instances:

1. Disclosure by the parties to their legal representatives for advice, interpretation, or litigation.
2. Disclosure by the City District Manager to management personnel.
3. Disclosure by representatives of recognized Employee Organizations, to such members of their organizations as they deem necessary to make determinations.
4. Disclosures by the City Manager to the City Council in executive sessions or individually to members of the City Council.

g. Availability of Data.

The City will make available to Employee Organizations, in reasonable quantities, such non-confidential information pertaining to employment relations as is contained in the public records of the City, subject to the limitations and conditions set forth in these rules and the California Public Records Act at Government Code Sections 6250-6268.

Information which shall be made available to Employee Organizations includes regularly published data contained in disclosable public records and other information as required by law.

The City will not be required to disclose confidential or privileged records such as personnel, medical and similar files, working papers or memoranda which are not

retained in the ordinary course of business, or privileged records pertaining to pending litigation to which the City is a party, or to privileged records related to claims or appeals which have not been settled.

h. Memorandum of Understanding.

As a result of negotiations between the Formally Recognized Employee Organization and representative(s) of the City, a Memorandum of Understanding shall be jointly drafted incorporating the items agreed upon. This Memorandum of Understanding shall not be binding until it has been approved by the City Council. The Memorandum shall be executed by the City Manager, the representative(s) of the Employee Organizations who are employees of the city, and attested to by the City Council and the Executive Officer of the Employee Organization. A copy of the fully executed Memorandum of Understanding shall be filed by the City Clerk as a permanent record of the City.

2-51.5 Impasse Procedure

a. Initiation of Impasse Procedure.

If either party believes that the meet and confer process has reached impasse as defined in this Ordinance, either party may initiate the impasse procedure by filing with the other party a written request for an impasse meeting, together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled promptly by the Employee Relations Officer. The purpose of such impasse meeting shall be:

1. To identify and specify in writing the issue or issues that remain in dispute.
2. To review the position(s) of the parties in a final effort to resolve such disputed issue or issues.
4. If the dispute is not resolved, to discuss arrangements for the utilization of the impasse procedures provided herein.

b. Procedure.

Impasse procedure is as follows:

If the parties agree to submit the dispute to mediation, and agree on the selection of a mediator, the dispute shall be submitted to mediation. All mediation proceedings shall be private and confidential. The mediator shall make no public recommendation, take no public position at any time concerning the issues, and place no recommendation or position in writing.

c. Costs of Impasse Procedure.

The costs of the services of a mediator utilized by the parties, and other mutually incurred costs of mediation, shall be borne equally by the City and the Formally Recognized Employee Organization.

(Ord.634)

Article VIII

Section 2-55. Scope of Article.

The provisions of this chapter shall govern the designation of certain city job classifications requiring citation issuance and arrest authority, and the designation of individuals holding positions within those job classifications who have the power to issue citations and make arrests for violations of provisions of this code and specific state laws which those individuals are required to enforce.

It is not the intent of this chapter to designate such persons as “peace officers” for any purpose. The intent of this chapter is to establish authority for citation issuance and arrests pursuant to Penal Code Section 836.5 as that section now exists, or as it may in the future be amended or renumbered.

Section 2-56. Authority of the City Manager.

The City Manager shall have the authority to designate those city job classifications which require citation issuance and arrest authority. Only such classifications as contain positions which have the duty to enforce provisions of this code or a specific state statute shall be so designated.

Section 2-57. Authority of Individual Employees.

The City Manager or other designated city officer shall submit to the City Council a list of persons, occupying positions within the job classifications designated pursuant to Section 2-56 of this article, who are required to enforce provisions of this code or a specific state statute. The City Council, by resolution, shall grant to such persons the authority to issue citations and make arrests for violations of this code or the pertinent state statutes.

From and after adoption of such a resolution, the persons so designated shall have the authority to issue citations and make arrests for violations of this code or of pertinent provisions of state law.

(Ord. 714)

Article IX Procurement Policy System

2-60 Adoption of Procurement System.

In order to establish efficient procedures for the purchase of materials, supplies, equipment, and services at the lowest possible costs commensurate with operational needs, to provide methods of determining and awarding contracts for services to be performed, to exercise positive financial control over such purchases and contracts and to define clearly the authority for the administration of these functions, a procurement system is adopted pursuant to Government Code Sections 54201, et seq.

2-60.1 Purchasing Officer.

The director of finance, or the alternative such other person as may be designated in writing by the city manager, shall be and is appointed to perform the functions of the purchasing officer for the city and shall have the responsibility and authority to:

- A) Purchase or contract for materials, supplies, equipment, and services to be performed as may be required by any department or other agency of city government in accordance with procedures prescribed of this article or by such administrative rules and regulations as the purchasing officer may adopt pursuant thereto;
- B) Prepare and adopt administrative rules and regulations not in conflict with the provisions of this article for the purpose of carrying out the requirements and intent of this purchasing system.

2-60.2 Centralized Purchasing.

- a) To the extent that quality, quantity and availability may best be achieved in meeting the operational needs of the city all purchases and the award of contracts for services as may be required for any department or agency shall be centralized under the purchasing officer.
- b) When the provisions and intent of this article may best be served by so doing, the purchasing officer may authorize in writing any department or agency to investigate, solicit bids or negotiate the purchase or award of contract for materials, supplies, equipment or services for the department of agency independently of the centralized procurement system, provided that such shall be done in conformity with the procedures prescribed by this article or by duly adopted administrative rules and regulations pertaining thereto.

2-60.3 Purchase Orders.

- a) Purchase of materials, supplies, equipment or services shall be made only by means of purchase orders processed and issued pursuant to this article. The purchase orders shall be valid only when signed by the city manager, the purchasing officer or other persons as may be designated by the purchasing

officer to act in his behalf. The city manager may exempt purchases of one hundred dollars or less from the requirement of this section.

- b) All purchase orders shall be issued in advance of any commitment for which they are issued except in emergency situations where a delay would be detrimental to the interest of the city or would jeopardize the health, safety or welfare of its citizens.
- c) Nothing herein shall preclude the use of authorized petty cash funds for purposes intended by their establishment.

2-60.4 Availability of Funds.

The purchasing officer shall not issue any purchase order or award any contract for the acquisition of materials, supplies, equipment or services unless there exists an unencumbered appropriation in the funds and for the account or activity against which said purchase order or contract is to be charged. The appropriate account and funds shall be encumbered immediately after the issuance of the purchase order or award of contract.

2-60.5 Awards of Contracts.

- a) In all instances where the acquisition of material, supplies, equipment or services will result in the issuance of a purchase order or the award of a contract for greater than ten thousand dollars, such will be authorized only on action taken by the city council utilizing the formal bidding process set forth herein. Purchases or contracts for ten thousand dollars or less, may be awarded by the city manager utilizing any competitive purchase procedure deemed appropriate by the city manager, but which shall, at minimum, involve contacting at least three vendors for informal quotes.
- b) The purchasing officer may award contracts or issue purchase orders for the acquisition of materials, supplies, equipment or services when the estimated amount is less than five thousand dollars; provided, however, that either the formal or informal bidding procedure as hereinafter set forth is utilized for all estimated amounts in excess of five hundred dollars.
- c) Notwithstanding the other provisions of this article and more particularly this section, the purchasing officer shall be authorized to issue purchase orders and otherwise process for payment those claims against the city where a reasonable advance estimate of costs is not possible or for essential services of a recurring nature. Included but not limited to this authorization are such items as utility service for telephone, water, electricity and gas, approved claims for liability under the city's insurance program, renewal premiums for authorized insurance policies, all expenditures for the city's payroll and employee withholdings and other related or unrelated matters involving this unknown advance cost estimate.

2-60.6 Formal bidding

Except for personal service contracts or as otherwise provided herein, purchases and contracts for an estimated value of greater than ten thousand dollars shall be by written contract with the lowest responsible bidder pursuant to the procedure hereinafter described:

- a) Notices inviting bids shall be prepared, distributed to known suppliers or persons who have requested to be notified of such bidding opportunities and to those who in the opinion of the purchasing officer are best able to perform according to prescribed specifications. The notices shall contain a general description of the articles or services to be obtained, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
- b) The purchasing officer, in his or her discretion, may require a bidder's security in the form of a bond, certified check, cashier's check or money order in such amount deemed appropriate by the purchasing officer. Bidders shall be entitled to return of bid security; provided, that the successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten days after notice of award of contract has been mailed, unless the city is responsible for the delay.
- c) On refusal or failure of the successful bidder to execute the contract, award may be made to the next lowest responsible bidder and if such is done, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.
- d) Sealed bids shall be submitted to the city clerk and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices.
- e) In its discretion, the city council may reject any and all bids presented and re-advertise for bids.
- f) Contracts shall be awarded by the city council to the lowest responsible bidder except as otherwise provided herein.
- g) In determining who prevails as the lowest responsible bidder, the city shall consider the following factors: receipt of sales tax by the city; ease of selection; pick-up and delivery speed; and availability and promptness of source and maintenance.
- h) Invitations to submit proposals shall be used for personal services contracts whenever the contract is expected to exceed ten thousand dollars. Qualifications to accomplish the specific service shall be the determining factor when awarding the contract.

2-60.7 Informal Open Market Purchases.

Materials, supplies, equipment or services may be acquired by the purchasing officer without regard to formal bidding procedures set forth herein when the estimated value is greater than five hundred dollars and less than five thousand dollars. For all such acquisitions, at least three price quotations shall be solicited either orally or in writing whenever practicable with the purchase order being issued to the lowest responsible bidder. The purchasing officer may reject any and all quotations. Personal services contract awards shall be on the basis of qualifications to accomplish the specific service requested by the city.

2-60.8 Purchases from Other Public Agencies.

There is excepted from the provisions of this article purchases or acquisitions of materials, supplies, equipment or services obtained from any other public agency created under the laws of the state or the United States government, including the purchase of federal surplus property.

Where another public agency of the state of California allows other public agencies to acquire materials, supplies, equipment or services through its procurement process, the city may utilize such procurement services to acquire materials, supplies, equipment or services without further compliance with the provisions of this article.

2-60.9 Purchase of Used Equipment.

The purchase of used equipment shall be excepted from the provisions of this article when the city council authorizes specific used equipment to be acquired.

(Ord 730)