

ORDINANCE NO. 335

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, AMENDING CHAPTER 3.20 OF THE CHINO HILLS MUNICIPAL CODE TO INCREASE THE INFORMAL BID LIMITS FOR PUBLIC CONTRACTS AWARDED PURSUANT TO CHAPTER 3.20 TO \$200,000, AND AUTHORIZE THE CITY MANAGER TO AWARD SUCH CONTRACTS IN AN AMOUNT NOT-TO-EXCEED \$200,000 AND AMEND THE AUTHORITY TO NEGOTIATE CONTRACTS, AWARD PURCHASE ORDERS OR PERFORM WORK BY CITY EMPLOYEES BY FORCE ACCOUNT ON PUBLIC PROJECTS IN AN AMOUNT NOT-TO-EXCEED \$60,000

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- a. The City Council of the City of Chino Hills declares that the public interest and necessity demand the prudent expenditure of public money and time; and
- b. The California Uniform Public Construction Cost Accounting Act, Public Contracts Code Section 22000 through 22045 (UPCCAA), has been amended so that the threshold for public projects let to contract by informal procedures has increased from \$175,000 to \$200,000; and
- c. The CUPCCAA has been amended so that the authority to negotiate contracts, award purchase orders or perform work by City employees by force account on public projects has been increased from \$45,000 to \$60,000; and
- d. In accordance with the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.* ("CEQA")) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*), this proposed Chino Hills Municipal Code Amendment is exempt from CEQA review because it consists only of minor revisions and clarifications to existing regulations and specification of procedures related thereto; and consists of actions taken to assure the maintenance, protection and enhancement of the environment. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. § 15308; and
- e. A duly noticed public hearing before the City Council was conducted on December 11, 2018, on this Chino Hills Municipal Code Amendment, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. Chino Hills Municipal Code, Section 3.20.010 is hereby amended to read as follows:

3.20.010 — Construction on public projects.

The provisions of this chapter shall apply to construction on public projects of not more than two hundred thousand dollars (\$200,000). Public projects of sixty thousand dollars (\$60,000) or less may be performed by city employees by force account, by negotiated contract, or by purchase order. Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this chapter. Public projects of more than two hundred thousand (\$200,000) shall be let to contract by formal bidding procedures.

SECTION 3. Chino Hills Municipal Code, Section 3.20.050 is hereby amended to read as follows:

3.20.050 — Delegation of authority to award informally bid public projects contracts.

Notwithstanding any other provision of this Code, the City Council may delegate the authority to award informally bid contracts pursuant to this Chapter to the City Manager or designee, by separate resolution of the City Council in an amount not to exceed two hundred thousand dollars (\$200,000).

SECTION 4. The provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance No. 271.

SECTION 5. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 6. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provision or other City Ordinances to remain in full force and effect for all purposes.

SECTION 9. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original Ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 8th day of January 2019.


CYNTHIA MORAN, MAYOR

ATTEST:


CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:


MARK D. HENSLEY, CITY ATTORNEY


STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 335 was duly introduced at a regular meeting held December 11, 2018; and adopted at a regular meeting of the City Council held on the 8th day of January 2019 by the following vote, to wit:

AYES: COUNCIL MEMBERS: MORAN, BENNETT, JOHSZ,
MARQUEZ, ROGERS

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 335 duly passed and adopted by the Chino Hills City Council at their regular meeting held on January 8, 2019 and that summaries of the Ordinance were published on December 29, 2018 and January 12, 2019 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK