

**ORDINANCE NO. 850-C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING PACIFICA MUNICIPAL CODE TITLE 3, CHAPTER 15 "BIDDING PROCEDURES FOR PUBLIC PROJECTS" TO ADD SECTION 3-15.10, "FEDERAL PROCUREMENT" AND FINDING ADOPTION OF ORDINANCE EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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**WHEREAS**, Government Code sections 54201 et seq. governs purchasing by local governmental bodies and requires that every local agency adopt policies and procedures to govern their purchases of supplies and equipment; and

**WHEREAS**, Government Code sections 53701 and 53702 provide that cities are authorized to accept federal grants for public works and to comply with all requirements of such federal grants; and

**WHEREAS**, the City of Pacifica Municipal Code section 3-15.01 provides that the City Council of Pacifica has elected to become subject to the California Uniform Construction Cost Accounting Procedure referred to in the Uniform Public Construction Cost Accounting Act (California Public Contract Code Sections 22000 et. seq., as may be amended) for public contract projects; and

**WHEREAS**, in order to comply with the federal Uniform Guidance policies (2 CFR § 200 et seq.) relating to federal procurement procedures relating to federally funded public construction projects the City Council now desires to amend Title 3, Chapter 15 "Bidding Procedures for Public Projects" of the Pacifica Municipal Code to ensure that any public project made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds shall comply with the federal Uniform Guidance.

**NOW, THEREFORE**, The City Council of the City of Pacifica does hereby ordain as follows:

**Section 1.** The above recitals are true and correct and material to this resolution.

**Section 2.** In making its findings, the City Council relied upon and hereby incorporates by reference all correspondence, staff report, and other related materials.

**Section 3.** Environmental Review. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) of the CEQA Guidelines (14 Cal. Code Regs. 15000 et seq.) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

**Section 4. Amendment of Chapter 15 of Title 3.** Chapter 15, "Bidding Procedures for Public Projects" of Title 3 "Finance" of the Pacifica Municipal Code is hereby amended to add:

**"Sec. 3-15.10. – Federal Procurement.**

Any public project made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds shall comply with the federal procurement policies set forth in Article 12, "Federal Procurement" of City Administrative Policy No. 76, as may be amended by the City Council from time to time."

Except as identified herein, all other sections of Chapter 15, Title 3 shall remain unaffected.

**Section 5. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 6. Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published in accordance with State law.

**Section 7. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

. . . . .

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 28<sup>th</sup> day of October 2019, by the following vote:

**AYES**, Councilmembers: Vaterlaus, Martin, O'Neill, Beckmeyer, Bier.

**NOES**, Councilmembers: None.

**ABSENT**, Councilmembers: None.

**ABSTAIN**, Councilmembers: None.

**CITY OF PACIFICA**

By:   
Mayor Sue Vaterlaus

APPROVED AS TO FORM:  
  
Michelle Marchetta Kenyon, City Attorney

ATTEST:  
  
Sarah Coffey, City Clerk