

RESOLUTION NO. 2NS-29,588

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ CALLING AN ELECTION TO BE HELD ON MARCH 3, 2020 AT THE STATEWIDE PRESIDENTIAL PRIMARY ELECTION IN THE CITY OF SANTA CRUZ FOR A BALLOT MEASURE SUBMISSION OF A PROPOSED CHARTER AMENDMENT TO SECTION 1415 (CONTRACTS FOR PUBLIC WORKS)

WHEREAS, pursuant to authority provided by California Constitution, Article XI, Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, the City Council of the City of Santa Cruz desires to submit to the voters a proposed charter amendment relating to Section 1415 (contracts for public works); and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, the resolution of the governing body of the city shall specify the services requested;

WHEREAS, pursuant to Elections Code Section 10002, the city shall reimburse the county in full for the services performed upon presentation of a bill to the city; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

RESOLUTION NO. NS-29,588

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on March 3, 2020.

WHEREAS, Section 1415 of the City Charter mandates all public works contracts be awarded to the lowest responsible bidder under the more traditional design-bid-build method under which design, procurement and construction of the project proceed sequentially: first the preparation of plans and specifications are completed, and second an award of the construction contract with a contractor entity separate from the designer being made to the lowest responsible bidder; and

WHEREAS, design-build project delivery is a method of public works construction delivery in which the design and construction functions are contracted by a single "design-build" entity; as opposed to the more traditional design-bid-build method,

WHEREAS, California general law and charter cities that have utilized the design-build, and other types of "best value" project delivery methods for the completion of public works projects. Examples of best value project delivery methods include but are not limited to: Fixed Price Design Build, Progressive Design Build, and Construction Manager at Risk. Public agencies have experienced numerous benefits from utilizing this best value delivery methods, including reduced costs to the public agencies, expedited schedules for project delivery and completion, development of innovative solutions to construction and design challenges, and improved quality and satisfaction with public works construction projects; and

WHEREAS, on September 30th, 2014, Governor Brown approved Senate Bill No. 785, repealing and amending various provisions of the California Government Code, Health and Safety Code, and Public Contract Code to authorize various California state and local agencies to use the design-build procurement process for specified public works projects; and

WHEREAS, under its home rule authority as a charter city, the City may exempt itself from certain limitations otherwise imposed upon general law cities by the statutes codified under Senate Bill No. 785; and

WHEREAS, while the City plans to utilize elements of the procurement process outlined under relevant sections of the Public Contract Code as amended under Senate Bill No. 785, (i.e., Public Contract Code Sections 22160, et seq.) in the drafting of Requests for Qualifications and Requests for Proposals soliciting qualified design-build entities under the design-build delivery process authorized by this proposed charter amendment, the City is not bound by the limitations on design-build authority contained in those statutes, including, but not limited to, limitations on the use of design-build-operate contracts.

NOW THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Santa Cruz that it hereby orders an election be called and consolidated with any and all elections

RESOLUTION NO. NS-29,588

also called to be held on March 3, 2020 insofar as said elections are to be held in the same territory or in a territory that is in part the same as the territory of the City of Santa Cruz, and hereby requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Section 10401 and 10403; and

BE IT FURTHER RESOLVED AND ORDERED that the City Council of the City of Santa Cruz hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

BE IT FURTHER RESOLVED AND ORDERED that the Santa Cruz County Elections Department shall conduct the election for the following CHARTER AMENDMENT MEASURE to be voted on at the March 3, 2020 election; and

BE IT FURTHER RESOLVED AND ORDERED as follows:

SECTION I: That pursuant to California Constitution, Article XI, Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California there is called and ordered to be held in the City of Santa Cruz, California, on Tuesday, March 3, 2020 the Statewide Presidential Primary Election for the purposes of submitting the following proposed charter amendment:

Ballot Question:

In order to allow the City of Santa Cruz greater flexibility in contracting for public works construction projects, such as major planned improvements in City infrastructure, shall the City of Santa Cruz Charter be amended to allow for the use of design-build or other best value procurement for public works construction, to be established by ordinance?

Yes \_\_\_\_\_

No \_\_\_\_\_

SECTION 2: That the text of the charter amendment submitted to the voters is attached as Exhibit A.

SECTION 3: That the City of Santa Cruz City Council hereby directs staff to place the measure on the ballot for the March 3, 2020 Statewide Presidential Primary Election; and

SECTION 4: The City Clerk Administrator shall certify the passage and adoption of the resolution and enter it into the book of original resolutions.

RESOLUTION NO. NS-29,588

PASSED AND ADOPTED this 22<sup>nd</sup> day of October, 2019, by the following vote:

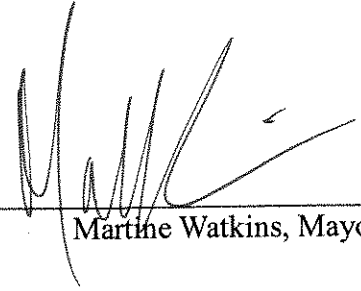
AYES: Councilmembers Krohn, Glover, Meyers, Brown, Mathews; Vice Mayor Cummings; Mayor Watkins.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: \_\_\_\_\_



Martine Watkins, Mayor

ATTEST: \_\_\_\_\_



Bonnie Bush, City Clerk Administrator

RESOLUTION NO. NS-29,588  
EXHIBIT A  
OF THE CITY OF SANTA CRUZ

That Section 1415 of the City Charter be amended to read as follows:

**SECTION 1415 CONTRACTS FOR PUBLIC WORKS.**

Any public works or improvements costing more than such amount as may be prescribed by ordinance shall be executed by contract, except where a specific work or improvement is authorized by the Council to be performed directly by a City department or officer in conformity with detailed plans, specifications and estimates. ~~All such contracts shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance or resolution, provided the Council or the City Manager, when so authorized, shall have the power to reject all bids and may readvertise in its discretion. All advertisements as to such contract shall so provide.~~

Notwithstanding any provision to the contrary in the California Public Contracts Code, or any other law or regulation of the City of Santa Cruz, the use of best value alternative project delivery methods including, but not limited to, progressive design-build, construction manager at risk, fixed-price design-build, and design-build-operate contracts is authorized for all public works projects. The City Council shall establish, by ordinance, regulations for the award, use and evaluation of such contracts.

All contracts entered into by the City shall be signed by the City Manager or other officer or officers as the Council may by ordinance or resolution prescribe.