

ORDINANCE NO. 3565 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

M.C.C CHAPTER 28 AMENDMENT TO ADD A NEW SECTION 28-27 REGARDING  
CONTRACTS FOR FURTHERANCE OF PUBLIC POLICY

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, this amendment allows Council to award contracts to qualified non-profit and educational institutions without undergoing a competitive process if Council adopts findings that the contract furthers a specific public policy, is in the public interest, and does not compromise City standards for quality and performance;

WHEREAS, The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act. (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines), on 15378. In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possible activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2: Chapter 28 of the Monterey City Code is hereby amended to include the addition of a new Section 28-27 as set forth below:

**Sec. 28-27. Contracts for Furtherance of Public Policy**

The City Council may award contracts for services or projects of up to \$250,000 in value to a non-profit organization qualified under 501(c)(3) of the Internal Revenue Code, including but not limited to a qualified educational institution, without having to undergo a competitive bid or request for proposal process as otherwise required under this Chapter, provided that Council makes the following findings:

- (a) That the contract furthers a specific public policy;
- (b) That the contract is in the best interest of the public; and
- (c) That award of the contract does not compromise City standards for quality and performance.

Award of all such contracts shall require adequate insurance as specified by City, including but not limited to liability and workers' compensation insurance; shall require the organization to indemnify, protect, defend, and hold the City harmless against any and all claims alleged to be caused or caused by any act or omission of the organization or its employees, students, volunteers or other persons working on behalf of the organization; and shall require compliance with all state, federal and local laws and regulations.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 21st day of March, 2017, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Barrett, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

  
\_\_\_\_\_  
Mayor of said City

