

ORDINANCE NO. 3666 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

AMENDING MONTEREY CITY CODE SECTION 28-14(d) TO ADD FLEET AND RELATED EQUIPMENT PURCHASES AS A SOLE SOURCE EXCEPTION TO COMPETITIVE PROCUREMENT REQUIREMENTS

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

SECTION 1:

WHEREAS, City purchasing rules are set forth in Chapter 28 of the City Code, with the goal of establishing efficient procedures for the purchase of equipment, supplies, materials, and services for the City at the lowest possible cost commensurate with quality needed, exercising positive financial control over purchases, and clearly defining authority for the purchasing function;

WHEREAS, Monterey City Code (MCC) section 28-14 sets forth the categories of purchases that are exempt from competitive procurement requirements. These include purchases through cooperative procurement contracts previously negotiated by another governmental agency or cooperative purchasing agency, emergency procurements, and sole source procurements;

WHEREAS, supply chain disruptions in the automotive industry have continued to outlast the pandemic, and opportunities to replace vehicles are on a "first-come, first-served" basis. Supply shortages, labor shortages, and increased demand have made procuring new vehicles a longer and more challenging process;

WHEREAS, vehicle costs are rising, and there is low, or at times no, inventory. Obtaining prior authorization for vehicle purchases will ensure that the City is able to purchase the vehicles as soon as they become available. Financial controls will continue to be achieved with limits on the amount that may be spent for a purchase; and

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") Article 20, Section 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 possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action has 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: Monterey City Code, Chapter 28, Section 14(d)(8) is hereby added to read as follows:

“8. When a vehicle for which quotes have been obtained pursuant to Section 28-4, is no longer available at the quoted price when the vehicle is in stock, the Purchasing Agent may purchase from any vendor that has the vehicle in stock at a price not to exceed the amount pre-authorized by City Council resolution. This subsection will sunset on June 30, 2028.”

SECTION 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.


SECTION 4: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 1st day of August, 2023, by the following vote:


AYES:	5	COUNCILMEMBERS:	Barber, Garcia, Haffa, Smith, Williamson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

ATTEST:

DocuSigned by:

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 Mayor of said City

DocuSigned by:

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 City Clerk thereof