

RESOLUTION NO. 2019-231

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA: (A) AMENDING RESOLUTION NO. 2019-196 CALLING A GENERAL ELECTION TO BE HELD ON MARCH 3, 2020; (B) ORDERING SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO REPEAL AND REPLACE CHULA VISTA MUNICIPAL CODE CHAPTER 2.59; (C) AUTHORIZING THE MAYOR TO SUBMIT BALLOT ARGUMENTS IN FAVOR OF THE MEASURE; (D) DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND (E) APPROPRIATING FUNDS ACCORDINGLY

WHEREAS, Chula Vista Municipal Code Chapter 2.59, “Fair and Open Competition in Contracting,” was adopted by the electorate in June 2010 (“Prop G”); and

WHEREAS, Section 4 of Prop G provided that the ordinance codified as Chapter 2.59 could be amended or repealed by a majority vote of the City’s voters; and

WHEREAS, the City Council desires to place a measure on the March 3, 2020 ballot to repeal and replace Chapter 2.59; and

WHEREAS, the measure attached to this Resolution as Exhibit A and incorporated by this reference, would repeal and replace Chapter 2.59; and

WHEREAS, in accordance with the provisions of the Chula Vista Charter and state law, a General Municipal Election was called by the City Council, pursuant to Resolution No. 2019-196, to be held on Tuesday, March 3, 2020; and

WHEREAS, the City Council desires to amend that Resolution in order to add the attached measure to the March 3, 2020 ballot; and

WHEREAS, placing the measure on the ballot is estimated to cost approximately \$120,000 which will be appropriated in the General Fund and funded by unanticipated Property Tax – Vehicle License Fee revenues resulting in no net General Fund impact.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, as follows:

SECTION 1. All of the foregoing are true and correct.

SECTION 2. the City Council, pursuant to its right and authority, does hereby order submitted to the voters at the General Municipal Election on March 3, 2020, the proposed Measure, attached as Exhibit A and incorporated into this Resolution by this reference.

SECTION 3. The ballot label for the proposed Measure shall be submitted to the electorate for a “Yes” or “No” vote as follows:

Shall the measure to preserve the City’s ability to receive state infrastructure funding for public works projects by giving the City discretion to allow the use of project labor agreements for City public works, in a manner consistent with state laws and best practices, including provisions for taxpayer protections, transparency, and accountability in the contracting process, by repealing and replacing Chapter 2.59 of the Chula Vista Municipal Code, be adopted?	YES
	NO

SECTION 4. Pursuant to California Elections Code section 9217, this measure requires the approval of a simple majority of voters (50% plus 1 of those casting ballots).

SECTION 5. Resolution No. 2019-196 is amended accordingly and the City Clerk is authorized, instructed, and directed to take all actions necessary to add the Measure to the March 3, 2020 ballot.

SECTION 6. Pursuant to California Elections Code section 9282, the City Council hereby acknowledges its authority, and the authority of any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to submit a written argument, not to exceed 300 words, for or against the measure, and authorizes the Mayor to submit arguments in favor of the measure, on behalf of the City Council. Arguments must be submitted to the City Clerk and may be changed until and including the date fixed by the City Clerk, after which no arguments for or against the measure may be submitted, withdrawn, or changed.

SECTION 7. Pursuant to California Elections Code section 9285, rebuttal arguments will be allowed. The rebuttal arguments may not exceed 250 words. Rebuttal arguments must be submitted to the City Clerk and may be changed until and including the date fixed by the City Clerk, after which no rebuttal arguments for or against the proposed measure may be submitted to the City Clerk. This Section 7 is applicable to the March 3, 2020 election, only, and after that election, shall expire.

SECTION 8. Pursuant to California Elections Code Section 9280, the City Clerk is directed to transmit a copy of the measure to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law, and the operation of the measure, and transmit such impartial analyses to the City Clerk by the date fixed by the City Clerk.

SECTION 9. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the election.

SECTION 10. The amount of \$120,000 is appropriated out of the General Fund to fund the placement of the measure on the March 3, 2020 ballot.

Presented by

Approved as to form by

DocuSigned by:
Mary Casillas Salas
062BFD7C0386456...

DocuSigned by:
Glen R. Googins
CF40650850444BF...

Mary Casillas Salas
Mayor

Glen R. Googins
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 3rd day of December 2019 by the following vote:

AYES: Councilmembers: Diaz, Galvez, Padilla, and Casillas Salas

NAYS: Councilmembers: McCann

ABSENT: Councilmembers: None

DocuSigned by:
Mary Casillas Salas
062BFD7C0386456...

Mary Casillas Salas, Mayor

ATTEST:

DocuSigned by:
Kerry K. Bigelow
3074D104EAF342E...

Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2019-231 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 3rd day of December 2019.

Executed this 3rd day of December 2019.

DocuSigned by:
Kerry K. Bigelow
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Kerry K. Bigelow, MMC, City Clerk

EXHIBIT A

**Repeal and Replacement of Chula Vista Municipal Code Chapter 2.59
to Preserve State Funding
for Chula Vista Infrastructure**

Ordinance

The people of the City of Chula Vista do ordain as follows:

Section 1. Repeal. Existing Chapter 2.59 of the Chula Vista Municipal Code is hereby repealed and replaced as provided in Section 2, below.

Section 2. Replacement. The City Council of the City of Chula Vista shall, within 180 days of the effective date of this ordinance, consider and take action upon local policies and procedures that allow City's use of project labor agreements ("PLAs"), and related provisions commonly associated with PLAs, in public works contracting. The policies and procedures acted upon pursuant to this section (the "PLA Policies") shall include (a) all of the taxpayer protection provisions required by California Public Contract Code section 2500; (b) such other provisions as may be necessary to be consistent with applicable state law; (c) provisions for transparency and accountability in the contracting process; and (d) such other provisions as may be approved by the City Council consistent with state law and "best practices" as determined by the City Council.

Section 3. Application of State Law Pending Replacement. Until such time as the PLA Policies are adopted, the City shall comply with the provisions of California Public Contract Code sections 2500, *et seq.*

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. Such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Chula Vista hereby declare that they would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intend that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 5. Certification. Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law.