

**ORDINANCE NO. 18-2023**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 3.42  
(CONTRACTS AND PURCHASING) TO REVISE DOLLAR AMOUNT THRESHOLDS  
FOR PURCHASING AUTHORITY AND SOLICITATIONS**

**WHEREAS**, the City Council wishes to amend Elk Grove Municipal Code (EGMC) Chapter 3.42 (Contracts and Purchasing) to revise the dollar amount thresholds for purchasing authority and for solicitations.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

Section 1: Purpose

The purpose of this Ordinance is to amend various sections of Elk Grove Municipal Code Chapter 3.42 to revise the dollar amount thresholds for purchasing authority and for solicitations of goods and services.

Section 2: Environmental Review/CEQA

Adoption of this ordinance implements an administrative contracting function, is not considered the approval of a project under the California Environmental Quality Act ("CEQA"), and is exempt from CEQA review. (Pub. Res. Code § 21065, CEQA Guidelines §§ 15060(c),(2)(3); 15061(b)(3); 15378(a).)

Section 3: Amendments to Chapter 3.42 of the Elk Grove Municipal Code

Chapter 3.42 of the Elk Grove Municipal Code is amended as shown in Exhibit A, attached hereto and incorporated herein by reference.

Section 4: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, 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. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and effect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 7: Effective Date and Publication


This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 18-2023  
**INTRODUCED:** August 23, 2023  
**ADOPTED:** September 13, 2023  
**EFFECTIVE:** October 13, 2023



BOBBIE SINGH-ALLEN, MAYOR of the  
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: September 21, 2023

Elk Grove Municipal Code Chapter 3.42 is hereby amended as follows:

*Additions are shown in **bold**; deletions are shown in ~~strikethrough~~*

**Section 1: Amendments to Elk Grove Municipal Code Chapter 3.42 Section Titles**

**Chapter 3.42  
CONTRACTS AND PURCHASING**

Sections:

...

Article IV. Purchasing Commodities and Equipment

- 3.42.150 Applicability.
- 3.42.160 Purchases of ~~\$5,000.00~~ **\$10,000.00** or less.
- 3.42.170 Purchases from ~~\$5,000.01~~ **\$10,000.01** up to \$50,000.00.
- 3.42.180 Purchases of \$50,000 or more.

Article V. Purchasing of General Services

- 3.42.182 Applicability.
- 3.42.184 Purchases of ~~\$5,000.00~~ **\$10,000.00** or less.
- 3.42.186 Procurement of general services with a value from ~~\$5,000.01~~ **\$10,000.01** up to \$50,000
- 3.42.188 Procurement of general services with a value of \$50,000 or more.

...

**Section 2: Amendments to Elk Grove Municipal Code Article II Contract Authority**

(a) Section 3.42.090 City Manager Authority is hereby amended as follows:

A. Except as otherwise provided for herein, the City Manager is authorized to enter into and sign on behalf of the City, without the prior approval of the City Council, a contract:

1. Which contains an initial compensation amount of ~~up to Fifty~~ **One Hundred** Thousand and no/100<sup>ths</sup> (~~\$50,000.00~~ **\$100,000.00**) Dollars or less. The City Manager may execute any change orders or contract amendments to an initial contract up to a cumulative total of ~~Fifty-Five~~ **One Hundred Ten** Thousand and no/100<sup>ths</sup> (~~\$55,000.00~~ **\$110,000.00**) Dollars; and

...

...

**Section 3: Amendments to Elk Grove Municipal Code Article III Consultant and Professional Services**

(a) Section 3.42.140 is hereby amended as follows:

...

B. Exceptions. The City Manager or the City Council (as applicable within the monetary limitations of this chapter) may dispense with the formal RFP procedure, in whole or in part, or reject any proposals received as part of any formal RFP procedure, whether the formal RFP procedure has been initiated or not, under the following circumstances:

...

5. Contracts for City-managed professional services in an amount up to ~~One~~ **Two** Hundred Thousand and no/100<sup>ths</sup> (~~\$100,000.00~~ **\$200,000.00**) Dollars if the following criteria are met: a) a third party has entered into a reimbursement agreement, approved as to form by the City Attorney, requiring reimbursement of such costs to the City, b) an applicant for development entitlements has deposited the full amount of the contract with the City, and c) the funds are to be used for development-related studies, such as an environmental impact report.

**Section 4: Amendments to Elk Grove Municipal Code Article IV Purchasing Commodities and Equipment**

(a) Section 3.42.160 is hereby amended as follows:

Section 3.42.160 Purchases of ~~\$5,000.00~~ **\$10,000.00** or less.

For purchases of ~~Five~~ **Ten** Thousand and no/100<sup>ths</sup> (~~\$5,000.00~~ **\$10,000.00**) Dollars or less, the purchasing procedures shall be established by an administrative regulation of the City Manager.

(b) Section 3.42.170 is hereby amended as follows:

Section 3.42.170 Purchases from ~~\$5,000.00~~ **\$10,000.00** up to \$50,000.00

A. Informal Bidding and Quotation Procedure. The purchase of commodities and equipment from ~~Five~~ **Ten** Thousand and 01/100<sup>ths</sup> (~~\$5,000.01~~ **\$10,000.01**) Dollars up to Fifty Thousand and no/100<sup>ths</sup> (\$50,000.00) Dollars may be made in the open market, following the informal bidding and quotation procedure prescribed below:

...

(c) Section 3.42.180 is hereby amended as follows:

...

B. Exceptions. The City Manager or City Council (as applicable given the monetary limitations of this chapter) may dispense with the formal bidding procedure, in whole or in part, or reject any bid received as part of any procedure, whether the process has been initiated or not, under the following circumstances:

...

3. When, in the ~~judgment determination~~ of the **City Manager or City Council (as applicable given the monetary limitations of this chapter)**, compliance with the procedure is not in the best interest of the City ~~for these commodities or equipment, the costs of which equal or exceed Fifty~~ **One Hundred** Thousand and no/100<sup>ths</sup> (~~\$50,000.00~~**\$100,000.00**) Dollars; or

...

### **Section 5: Amendments to Elk Grove Municipal Code Article V Purchasing of General Services**

(a) Section 3.42.184 is hereby amended as follows:

Section 3.42.184 Purchases of ~~\$5,000.00~~**\$10,000.00** or less.

For purchases of ~~Five~~ **Ten** Thousand and no/100<sup>ths</sup> (~~\$5,000.00~~**\$10,000.00**) Dollars or less, the purchasing procedures shall be established by an administrative regulation of the City Manager.

(b) Section 3.42.186 is hereby amended as follows:

Section 3.42.186 Procurement of general services with a value from ~~\$5,000.00~~**\$10,000.00** up to \$50,000.00

A. Informal Request for Proposal (RFP) Procedures. Except as set forth herein, the procurement of general services with a value from ~~Five~~ **Ten** Thousand and 01/100<sup>ths</sup> (~~\$5,000.01~~**\$10,000.01**) Dollars up to Fifty Thousand and no/100<sup>ths</sup> (\$50,000.00) Dollars shall be made following the informal request for proposal procedure prescribed below:

...

### **Section 6: Amendments to Elk Grove Municipal Code Article VIII Acquisition and Disposition of Interests in Real Property**

Section 3.42.280 is hereby amended as follows:

A. City-Owned Real Property. The City Council shall be the authorizing authority for all leases and licenses of City-owned property. If consideration for a lease or license is in excess of ~~One~~ **Two** Thousand and no/100<sup>ths</sup> (~~\$1,000.00~~**\$2,000.00**) Dollars per year, the property shall be leased or licensed by means of competitive proposals unless the City

Council finds that an award without competitive proposals is in the best interests of the City. If competitive proposals are solicited for leases or licenses of City-owned property, the City shall have discretion to determine the proposal process and to determine the proposal which best meets the needs of the City, which may not necessarily be the highest priced proposal.

B. City Lease of Private Property.

1. Leases with a total lease amount of ~~Fifty~~ **One Hundred** Thousand and no/100<sup>ths</sup> (~~\$50,000.00~~**\$100,000.00**) Dollars or more shall be authorized by the Council.
2. Leases with a total lease amount less than ~~Fifty~~ **One Hundred** Thousand and no/100<sup>ths</sup> (~~\$50,000.00~~**\$100,000.00**) Dollars may be authorized by the City Manager.

**Section 7: Amendments to Elk Grove Municipal Code Article IX Surplus Commodities and Equipment**

Section 3.42.310 is hereby amended as follows:

...

C. The City Manager shall approve the disposition of commodities and/or equipment when the estimated value of an individual item is less than ~~Two~~ **Five** Thousand and no/100<sup>ths</sup> (~~\$2,000.00~~**\$5,000.00**) Dollars; however, City Council approval is needed if the value is equal to or exceeds ~~Two~~ **Five** Thousand and no/100<sup>ths</sup> (~~\$2,000.00~~**\$5,000.00**) Dollars.

...

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 18-2023**

STATE OF CALIFORNIA       )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

***I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on August 23, 2023, and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on September 13, 2023, by the following vote:***

**AYES:           COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Robles, Suen**

**NOES:           COUNCILMEMBERS: None**

**ABSTAIN:       COUNCILMEMBERS: None**

**ABSENT:        COUNCILMEMBERS: None**

***A summary of the ordinance was published pursuant to GC 36933(c) (1).***

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk  
City of Elk Grove, California**