RESOLUTION NO. 2016-135

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, RESOLUTION SUBMITTING TO CITY ELECTORS A PROPOSAL TO AMEND THE CHARTER RELATING TO THE CITY'S PROCUREMENT PROCESS, ACCEPTING BID PROPOSALS ELECTRONICALLY VIA INTERNET CONNECTION IN LIEU OF A HARD COPY BID SUBMISSION AND PROVIDING FOR THE PLACEMENT OF THE MEASURE ON THE NOVEMBER 8, 2016, GENERAL ELECTION.

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

1. The Council, on its own motion, submits to the electors of the City of Fresno at its general municipal election to be consolidated with the statewide general election to be held on November 8, 2016, a ballot measure proposing to amend the Charter of the City of Fresno as set forth in Exhibit A attached hereto, and incorporated herein by reference.

2. The question to be submitted to the electors with respect to the proposed Charter amendments as set forth in Exhibit A shall be printed on the election ballot with the title and in the form hereinafter set forth:

ELECTRONIC BIDDING	
Shall the Charter be amended to allow electronic notices and responses through the internet for formal bidding	YES
	NO

3. The following constitutes the synopsis of the measure to be voted on for the purpose of meeting the publication requirements of Elections Code Section 12111:

A measure amending the Charter of the City of Fresno to allow online response for formal bids, which is currently limited to mailed submissions. The current section,

Date Adopted: 07/14/2016
Date Approved: 07/15/2016
Effective Date: 07/15/2016

Sec. 1208 (a) (2) –Procurement and Competitive Bidding requires bids to be submitted as follows: "All bids hereunder shall be submitted in a sealed envelope and shall be filed with the officer in charge of the purchasing function prior to the opening time specified in the notice inviting bids. Such officer shall receive and be custodian of such bids and keep the same confidential until they are opened and declared."

4. The Fresno City Clerk shall file a certified copy of this resolution with the Fresno County Elections Office on or before July 29, 2016.

5. The Fresno City Clerk shall give the appropriate notices for the election and the Fresno County Clerk shall conduct the election pursuant to appropriate provisions of state law.

6. The City shall reimburse the County of Fresno for the above mentioned services performed by The Fresno County Clerk/Registrar of Voters, upon presentation of the bill to the City.

7. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280.

* * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 14th day of July 2016

AYES: Olivier, Quintero, Soria, Caprioglio
NOES: None
ABSENT: Baines, Brand, Brandau
ABSTAIN: None

Mayor Approval: July 15th, 2016
Mayor Approval/No Return: N/A, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 7/18/16
Brandon Collet Date
Deputy

Attachment: Exhibit A

EXHIBIT "A" TO RESOLUTION _____

PROPOSED AMENDMENTS TO CHARTER OF CITY OF FRESNO TO BE SUBMITTED TO THE CITY ELECTORS AS A BALLOT MEASURE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVMBER 8, 2016

Sec. 1208 Procurement and Competitive Bidding shall be amended to read:

Every contract involving an expenditure of city moneys of more than one hundred thousand dollars ($100,000), adjusted annually on the first of July to the nearest one thousand dollars ($1,000) in response to changes in the National Consumer Price Index (United States City Average For All Products), for materials, supplies, equipment or for any public work of improvement, shall be let to the lowest responsive and responsible bidder **after notice by publication in a newspaper of general circulation within the city or on the internet,** which shall be at least seven days before time for opening bids. For purposes of this subsection, Council shall by ordinance define "public work of improvement".

Sec. 1208 (a) (2)

All bids hereunder shall be submitted in **a sealed envelope or electronically through the internet. Bids submitted in a sealed envelope or electronically** shall be filed with the officer in charge of the purchasing function prior to the opening time specified in the notice inviting bids. Such officer shall receive and be custodian of such bids and keep the same confidential until they are opened and declared. **The City reserves the right to specify that bids be filed only in a sealed envelope or only electronically on any procurement.**

July 15, 2016

RECEIVED

2016 JUL 15 PM 12 45

CITY CLERK, FRESNO CA

Council Adoption: 7/14/2016
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 7/14/16, Council adopted the attached Resolution No. 2016-135, entitled, **Submitting to City Electors a proposal to amend the Charter addressing the City's procurement process to allow submission of bid proposals electronically in addition to the currently permitted bid submission method of a hard copy and providing for the placement of the measure on the November 8, 2016 General Election.** Item No. 2-B, ID#16-823, by the following vote:

Ayes	:	Caprioglio, Olivier, Quintero, Soria
Noes	:	None
Absent	:	Baines, Brand, Brandau
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before July 25, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

****

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

Ashley Swearengin

Ashley Swearengin, Mayor

Date: 7-15-16

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	