

# City of La Quinta

CITY COUNCIL MEETING: SEPTEMBER 15, 2015

## STAFF REPORT

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**AGENDA TITLE:** INTRODUCE ORDINANCE AMENDING, ADDING AND DELETING VARIOUS CHAPTERS OF MUNICIPAL CODE TITLE 3 RELATING TO REVENUE AND FINANCE

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### RECOMMENDATION

- A) Move to take up Ordinance No. 529 by title and number only and waive further reading.
- B) Move to introduce at first reading, Ordinance No. 529 amending, adding and deleting various chapters of Municipal Code Title 3 relating to revenue and finance.

### EXECUTIVE SUMMARY

- **The first comprehensive review of the Municipal Code (“Code”) is underway.** Title 3 provisions address revenue and finance matters, many of which have not been reviewed since the City’s incorporation in 1982.
- Updates to Title 3 are necessary to align the Code with current State laws, apply best practices, consolidate provisions, remove unnecessary detail, provide for flexibility, and update terms.
- Research and review of all Title 3 chapters has been extensive; it entailed reviewing State law and **other cities’ codes**, and internal review by the City Clerk, two previous Finance Directors, as well as the current Finance Director, the City Attorney, the City Manager, and other specialized Rutan & Tucker attorneys.
- As with past Code updates, the recommended Code amendments remove fees and procedures where possible. The fees and procedures are then established via resolution.
- If the Council adopts the Title 3 Code amendments, they will then consider four companion resolutions setting policies and procedures related to purchasing and contracting, claims, grants, and the disposition of surplus goods.

FISCAL IMPACT – None

### BACKGROUND/ANALYSIS

Ten of the 19 chapters of Title 3 are addressed in this report. The following summarizes the substantial changes to each chapter:

#### CHAPTER 3.08 INVESTMENT OF MONEYS AND FUNDS

Subsequent to adopting this chapter in 1982, the City Council developed its first Investment Policy (1992). This chapter authorizes the Treasurer to only invest in instruments permitted by State law. Sections 3.08.020 and 060 have been amended to add that the Treasurer must also adhere to the Council-adopted City Investment Policy.

Section 3.08.050 regarding investment reports was amended to reflect current State law; the Treasurer must render, at a minimum, quarterly investment reports. Decreasing the mandated frequency from monthly to quarterly allows Council flexibility regarding how often the Treasurer shall submit the report, i.e. monthly, bi-monthly, or quarterly.

The trust fund referred to in Section 3.08.070 is for police department collections; it applies to cities with municipal police departments. The section is being deleted because City does not have a municipal police department.

#### CHAPTER 3.12 PURCHASES, CONTRACTS AND SURPLUS

This chapter now combines PURCHASES AND SURPLUS (chapter 3.12), PUBLIC WORKS CONTRACTS (chapter 3.30), and SERVICE CONTRACTS (chapter 3.32). Brief, general provisions addressing each topic is included followed by a reference to the detailed policies and procedures set forth in City Council resolutions. Outdated procedures have been deleted and two contract chapters (3.30 and 3.32) are deleted entirely; the provisions in these deleted chapters are found in a new consolidated chapter 3.12. Resolutions that outline the detailed procedures are scheduled for Council consideration on September 15, 2015.

#### CHAPTER 3.14 AUTHORIZATION OF SIGNATURES FOR CITY WARRANTS

This chapter has been updated to reflect the longstanding practice of affixing the required two officers' **signatures** onto City checks electronically. The code currently requires at least one signature to be handwritten.

#### CHAPTER 3.15 DEMANDS FOR PAYMENT

Chapter 3.16 DEMANDS AND CLAIMS is now two chapters: 3.15 DEMANDS FOR PAYMENT and 3.16 CLAIMS FOR MONEY OR DAMAGES. This eliminates confusion and separates very different procedures.

All sections of chapter 3.16 dealing with demands for payment (e.g. invoices) were moved into 3.15 and edited to clarify section titles, combine two sections regarding the approval of demands (3.16.070 and .080), and delete unnecessary sections regarding forms and recordkeeping (3.16.030 and .090).

#### CHAPTER 3.16 CLAIMS FOR MONEY OR DAMAGES

The section regarding claims against the City remains. Section 3.16.020 was added to apply State law that allows city councils to authorize an employee to process certain claims. Staff is recommending that the Council designate the City Manager to process claims up to the \$50,000 limit (per State law). This authorization would be established via resolution, which is scheduled for Council consideration on September 15, 2015.

### CHAPTER 3.18 SPECIAL GAS TAX STREET IMPROVEMENT FUND

Section 3.18.040 regarding fund interest has been added to ensure compliance with State law requirements.

### CHAPTER 3.19 SPECIAL TAX FOR FIRE PROTECTION AND PREVENTION

The 1990 ordinance establishing this chapter should not have been codified until a measure was passed by two-thirds of voters. The measure to levy a parcel tax for fire protection and paramedic services was on the June 1990, March 2002 and November 2002 ballots but failed each time. The chapter has no legal basis and has been deleted.

### CHAPTER 3.28 BUSINESS LICENSES

This chapter was extensively revamped for clarity and ease of use; however, no business license amounts have been changed that would require voter approval. Changes include clarified and updated definitions, removing duplicate subsections, delineating more pre-license requirements (i.e. State alcohol or State **seller's permit**), removing inconsistent appeal sections, consolidating exemptions sections, providing better descriptions of required supporting documentation, providing references to the uniform notice section in Title 1 of the Code, reorganizing the fee sections, and adding business type examples.

In section 3.28.330, the need for Council consent to compromise any claims was deleted to be consistent with **the resolution setting the City Manager's claim settlement and expenditure limit at \$50,000**. Business licenses and penalties will always be less than the \$50,000 City Manager authority limit.

The subsection (3.28.360 C.) requiring licensees to display a City-issued decal on their vehicle when using a vehicle for their business was deleted. It was difficult for staff to consistently enforce this **regulation. For example, gardeners' vehicles were checked more often than consultants' vehicles due to the difficulty in identifying consultants' vehicles.** Deleting this provision does not reduce revenue, nor does it reduce City powers to check for business licenses; another subsection requires persons working out of vehicles to carry their business license at all times.

Annual business license amounts for taxicab operators and taxicab vehicles were previously in 3.28.410 but that section was deleted and a new section, addressing taxicabs and passenger carriers, had been added. This was necessary to acknowledge the Implementation Agreement the City has with Sunline Transit Agency to regulate taxis and to be consistent with the newly revised Code chapter 5.40 on passenger carriers.

### ALTERNATIVES

Council may direct staff to make additional/different amendments to these chapters of the code and/or amend only certain sections of these chapters.

Report prepared by: Susan Maysels, City Clerk  
Rita Conrad, Finance Director  
Report approved by: Frank J. Spevacek, City Manager

Attachment: 1. Title 3 tracked changes



ORDINANCE NO. 529

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING SIX CHAPTERS OF MUNICIPAL CODE TITLE 3, ADDING CHAPTER 3.15 AND DELETING CHAPTERS 3.19, 3.30, AND 3.32

WHEREAS, Title 3 of the Municipal Code contains the chapters that address revenue and finance matters, and;

WHEREAS, a comprehensive review of Title 3 was undertaken to examine each chapter for accuracy, relevance, streamlining, straight-forward language, and compliance with State law, and;

WHEREAS, amendments to several chapters of Title 3 are needed as a result of the comprehensive review to update the Municipal Code,

NOW THEREFORE, the City Council of the City of La Quinta does ordain as follows:

SECTION 1. CHAPTER 3.08 INVESTMENT OF MONEYS AND FUNDS shall be amended as written in Exhibit A attached hereto.

SECTION 2. CHAPTER 3.12 PURCHASES shall be retitled PURCHASE AND CONTRACTS and amended as written in Exhibit A attached hereto.

SECTION 3. CHAPTER 3.14 AUTHORIZATION OF SIGNATURES FOR CITY WARRANTS shall be amended as written in Exhibit A attached hereto.

SECTION 4. CHAPTER 3.15 DEMANDS FOR PAYMENT shall be added as written in Exhibit A attached hereto.

SECTION 5. CHAPTER 3.16 DEMANDS AND CLAIMS shall be retitled CLAIMS FOR MONEY OR DAMAGES and amended as written in Exhibit A attached hereto.

SECTION 6. CHAPTER 3.18 SPECIAL GAS TAX STREET IMPROVEMENT FUND shall be amended as written in Exhibit A attached hereto.

SECTION 7. CHAPTER 3.19 SPECIAL TAX FOR FIRE PROTECTION AND PREVENTION shall be deleted in its entirety.

SECTION 8. CHAPTER 3.28 BUSINESS LICENSES shall be amended as written in Exhibit A attached hereto.

SECTION 9. CHAPTER 3.30 PUBLIC WORKS CONTRACTS shall be deleted in its entirety.

SECTION 10. CHAPTER 3.32 SERVICE CONTRACTS shall be deleted in its entirety.

SECTION 11. SEVERABILITY. The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

SECTION 12. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty days after its adoption.

SECTION 13. POSTING. The City Clerk shall, within 15 days after passage of this Ordinance, cause it to be posted in at least three public places designated by resolution of the City Council, shall certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting to be entered into the Book of Ordinances of the City of La Quinta.

PASSED, APPROVED and ADOPTED, at a regular meeting of the La Quinta City Council held this \_\_\_ day of October 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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LINDA EVANS, Mayor  
City of La Quinta, California

ATTEST:

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SUSAN MAYSELS, City Clerk  
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

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WILLIAM H. IHRKE, City Attorney  
City of La Quinta, California

## Chapter 3.08 INVESTMENT OF MONEYS AND FUNDS

### 3.08.010 Investment of city moneys and deposit of securities.

Pursuant to, and in accordance with, and to the extent allowed by, Sections 53607 and 53608 of the Government Code, the authority to invest and reinvest moneys of the city, to sell or exchange securities, and to deposit them and provide for their safekeeping, is delegated to the city treasurer.

### 3.08.020 Authorized investments.

Pursuant to the delegation of authority in Section 3.08.010, the city treasurer is authorized to purchase, at their original sale or after they have been issued, securities which are permissible investments under any provision of state law relating to the investing of general city funds, including but not limited to Sections 53601 and 53635 of the Government Code, and the city council adopted city investment policy as said sections now read or may hereafter be amended, from moneys in **the city treasurer's** custody which are not required for the immediate necessities of the city and as s/he may deem wise and expedient, and to sell or exchange for other eligible securities and reinvest the proceeds of the securities so purchased.

### 3.08.030 Sales of securities.

From time to time the city treasurer shall sell the securities in which city moneys have been invested pursuant to this chapter, so that the proceeds may, as appropriate, be applied to the purchase for which the original purchase money may have been designated or placed in the city treasury.

### 3.08.040 City bonds.

Bonds issued by the city and purchased pursuant to this chapter may be cancelled either in satisfaction of sinking fund obligations or otherwise if proper and appropriate; provided, however, that the bonds may be held uncanceled and while so held may be resold.

### 3.08.050 Reports.

The city treasurer shall make as required by Section 53646(b)(1) of the Government Code a quarterly report to the city council of all investments made pursuant to the authority delegated in this chapter.

### 3.08.060 Deposits of securities.

Pursuant to the delegation of authority in Section 3.08.010, the city treasurer is authorized to deposit for safekeeping, the securities in which city moneys have been invested pursuant to this chapter, in any institution or depository authorized by the terms of any state law, including but not limited to Section 53608 of the Government Code, and the city council adopted investment policy as it now reads or may hereafter be amended. In accordance with said section, the city treasurer shall take from the institution or depository a receipt for the securities so deposited and shall not be responsible for the securities delivered to and

received for by the institution or depository until they are withdrawn therefrom by the city treasurer.

3.08.070 Trust fund administration – DELETED

## Chapter 3.12 PURCHASES, CONTRACTS AND SURPLUS

3.12.010 Purchasing system.

In order to establish efficient procedures for the purchase of supplies, equipment and services at the lowest possible cost commensurate with the quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, the purchasing system is established by the ordinance enacting this chapter and shall be set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.

3.12.020 Service contracts

A. Solicitation and selection of firms to provide professional services that primarily rely on the knowledge, experience and professional judgment of the provider, such as legal or financial advisors and CPAs, architectural, engineering, environmental, land surveying, construction project management, and the like shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and on fair and reasonable prices.

B. Solicitation and selection of firms to provide professional services that are of a technical nature such as real estate appraisals, plan check, housing or other program management, software or video services, marketing and advertising services, art, personnel development, and the like shall be on the basis of the most advantageous proposal after consideration of qualifications, demonstrated competence, cost, delivery time, and other factors.

C. The specific procedures, rules and regulations governing the solicitation and selection of firms to provide services are those set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.

3.12.030 Public works contracts

A. Contracts for public works projects, as defined in Section 20161 of the California Public Contract Code, shall be awarded to the lowest responsive and responsible bidder.

B. The specific procedures and rules governing the solicitation of bids and award of contracts for public works projects are those set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.

C. Except when federal or state law governs a public works project that must conform to federal or state requirements, as applicable, for the solicitation and awarding of public works contracts, the requirements set forth in the purchasing and contracting policies and procedures resolution adopted by the city council shall govern contracts for public works.

3.12.040 Prevailing wage requirement.

A. **This section applies to “public works” as defined in California Labor Code Section 1720 through 1743, as may be amended and including the exceptions set forth therein.**

B. For public works contracts for construction work over twenty-five thousand dollars and for alterations, demolition, repair or maintenance work over fifteen thousand dollars, entered into, or extended on or after January 1, 2015, the city shall require compliance with California Labor Code Sections 1770 through 1782 as may be amended from time to time.

3.12.050 Contract incentives.

Contracts for public works projects, supplies and equipment and services may include monetary or other incentives for superior performance or early completion/delivery of the work, goods or service.

3.12.060 Surplus supplies and equipment; trade-ins; sales and donations

A. All using departments shall submit to the city manager or his/her designee, at such times and in such forms as s/he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete and worn out, in accordance with the surplus policies and procedures resolution adopted by the city council as amended from time to time.

B. The city council or the city manager, or his/her designee, shall have the authority to transfer, dispose, donate, and otherwise address surplus supplies and equipment in accordance with the surplus policies and procedures resolution adopted by the city council as amended from time to time.

## Chapter 3.14

### AUTHORIZATION OF SIGNATURES FOR CITY WARRANTS

3.14.010 Authorization of signatures for city warrants.

All city warrants require the signatures of two city officers. The following four city officers are authorized to sign city warrants: mayor, mayor pro tem, city manager and finance director. The finance director is authorized to use facsimile, digital or electronic signatures in the preparation of city warrants.

## Chapter 3.15 DEMANDS FOR PAYMENT

### 3.15.010 Purpose.

It is the purpose of this chapter to describe procedures for the processing and payment of demands, bills, and other claims against the city arising out of purchase orders and contracts, including bills for labor, materials and supplies furnished; but not including payroll or claims for money or damages covered by chapter 3.16.

### 3.15.020 Auditing prerequisite to payment.

No payment shall be made from the city treasury or out of the funds of the city unless the demand which is to be paid is duly audited as prescribed in sections 3.15.040 and 3.15.050 of this chapter or by other provisions of law.

### 3.15.030 Reserved.

### 3.15.040 Audit and approval by receiving department.

Except for tort claims, every demand received against the city shall first be presented to and approved in writing by the receiving department or office, which shall certify to the actual delivery or rendition of the supplies, materials, property or service for which payment is demanded; that the quality and prices correspond with the original specifications and contracts, if any, upon which the demand is based; that the demand in all other respects is proper and valid, and which shall further indicate the budgetary account to which the demand is to be charged.

### 3.15.050 Audit and approval by director of finance.

Each demand approved by the receiving department or office shall be presented to the director of finance who shall satisfy him/herself whether:

- A. The demand is legally due and owing by the city;
- B. There are budgeted or otherwise appropriated funds available to pay the demand;
- C. The demand conforms to a valid requisition or order;
- D. The prices and computations shown on the demand are verified;
- E. The demand contains the approval of other departments and officials as required.

### 3.15.060 Prepayment of demands.

A. As provided by Section 37208 of the California Government Code, (1) payroll warrants or checks need not be audited by the city council prior to payment. Payrolls shall be presented to the city council for ratification and approval at the first meeting after delivery of the payroll warrants or checks, (2) warrants or checks drawn in payment of demands certified or approved by the director of finance as conforming to a budget approved by resolution of the city council need not be audited by the city council prior to payment, and (3) notwithstanding items (1) and (2), budgeted payrolls and demands paid by warrants or checks may be presented to the city council for ratification and approval in the form of an audited comprehensive annual financial report.

B. Whenever the director of finance determines that a refund is due of fees, taxes or other receipts collected in error or in advance of being earned, or of money the refund of which is otherwise due pursuant to specific provisions of this code or of any other ordinance of this city, then any such refund shall be deemed as conforming to the currently approved budget, and may be prepaid in the same fashion as other demands encompassed within the terms of subsection A of this section.

#### 3.15.070 Approval of the register of demands.

Following audit of demands, the director of finance shall prepare a register of audited demands showing the claimant's name, amount of demand, the warrant number and date thereof, and transmit the register to the city manager for his/her review and approval. The register of demands shall be presented to the city council to receive, review and file at the next regular meeting thereof.

## Chapter 3.16 CLAIMS FOR MONEY OR DAMAGES

#### 3.16.010 Claims for money or damages.

As a prerequisite to bringing suit thereon against the city or any officer, department, commission or board of the city, any claim for money or damages (including claims which would otherwise be excepted by Section 905 of the Government Code) which is not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910), of the Government Code as those provisions now exist or shall hereafter be amended.

This section shall relate only to the bringing of suit upon any claim, and shall not be deemed to apply to the authority of the director of finance, the city council, and other officers to process and pay, in the ordinary course of business, the just obligations of the city, such as routine salaries and wages, principal and interest on bonds, payments for purchases and services, and other like expenditures for which there is an express budget appropriation, and in connection with which there is no dispute as to the obligation and amount being payable.

#### 3.16.020 Authorization to act on claims.

In accordance with Section 935.4 of the California Government Code, the city council may authorize an employee of the city to perform the claim procedures and functions of the city subject to the limitation **contained therein that the employee's ability to allow, compromise, or settle a claim against the city shall not exceed \$50,000** as that amount may be amended from time to time by Section 935.4 of the California Government Code or successor statute, and also subject to the policies and procedures adopted by resolution of the city council as may be amended from time to time.

## Chapter 3.18 SPECIAL GAS TAX STREET IMPROVEMENT FUND

### 3.18.010 Created.

To avail the city of the benefits of Sections 2106 and 2107 of the California Streets and Highways Code, there is created by ordinance a special fund in the city treasury to be known as the *special gas tax street improvement fund*.

### 3.18.020 Moneys included.

All moneys received by the city from the state under the provisions of the California Streets and Highways Code for the acquisition of real property or interests therein, or for engineering, or for the construction, maintenance and improvement of streets or highways by the city shall be paid into the fund.

### 3.18.030 Expenditures.

All moneys in the fund shall be expended exclusively for the purposes authorized by and subject to the provisions of the California Streets and Highways Code.

### 3.18.040 Fund Interest

To comply with the provisions of Section 2113 of the California Streets and Highways Code, interest received by the city from the investment of money in the special gas tax street improvement fund shall be deposited in the fund and shall be used for street purposes.

## DELETE Chapter 3.19 ~~SPECIAL TAX FOR FIRE PROTECTION AND PREVENTION~~

## Chapter 3.28 BUSINESS LICENSES

### 3.28.010 Definitions.

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

- A. **“Business” means professions, trades, occupations, gainful activities, and all and every kind of calling whether or not carried on for profit.**
- B. **“City” means the city of La Quinta, a charter city and municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.**
- C. **“Collector” means the city manager, or other city officer or employee charged with the administration of this chapter by the city manager.**

- D. **“Gross receipts” means the total amount of the sale price of all sales and total amount charged or received for the performance of any act or service of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part or in connection with the sale of materials, goods, wares, or merchandise. “Gross Receipts” apply to all such sales made in a fixed place of business within the city or without a fixed place of business in the city but from the delivery of any product or service to a location within the city. “Gross receipts,” as used in this chapter, shall mean the gross receipts of the calendar year preceding the beginning of the annual license period. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service, costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be the following:**
1. Cash discounts allowed and taken on sales;
  2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
  3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
  4. Such part of the sale price returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;
  5. Amounts collected for others where the business is acting as an agent or trustee, to the extent that such amounts are paid to those for whom collected and provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;
  6. That portion of gross receipts which has been the measure of a business license paid to any other city for sales transacted outside the city.
- E. **“Peddler” means any hawker, vendor, or other person who goes from house to house or from place to place or in or along the streets within the city selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise or anything of value in his possession to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities.**
- F. **“Person” means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common-law trusts, societies and individuals transacting and carrying on any business in the city other than as an employee.**
- G. **“Renewal date” means the date listed for renewal on the permit.**
- H. **“Solicitor” means a person engaged in soliciting, canvassing, or taking orders from house to house or from place to place or by telephone, internet or by any other means of communication for any goods, wares, merchandise, or any article to be delivered in the future or for services to be performed in the future or making, manufacturing, or repairing any article whatsoever for future delivery or for subscriptions to periodicals or tickets of admission to entertainments or memberships in any clubs.**

- I. **“Sworn statement” means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury.**

#### 3.28.020 Enforcement.

- A. The collector shall have the responsibility and power to enforce the provisions of this chapter, and the police chief shall render such assistance in the enforcement thereof as may from time to time be required.
- B. The collector who may act through deputies or duly authorized assistants, may examine, or cause to be examined, all places of business in the city to ascertain whether the provisions of this chapter have been complied with.
- C. The collector who may act through deputies or duly authorized assistants, shall have the power and authority to enter, free of charge, at any reasonable time, any place of business required by the provisions of this chapter to be licensed and require an exhibition of the license certificate. Any person having such license certificate theretofore issued in his possession or under his control who willfully fails to exhibit such certificate on demand shall be guilty of an infraction and subject to the penalties provided for by Section 1.01.230 of this code.

#### 3.28.030 Business license required.

Subject to the provisions of this chapter, all businesses engaged in or carried on in the city shall pay for an annual business license in the amounts as provided in this chapter except where specific provisions are made for daily, monthly, quarterly or semi-annual payments pursuant to Sections 3.28.320 and 3.28.330 of this chapter. It is unlawful for any person to commence, transact, engage in, or carry on any business in the city without first having obtained and paid for a valid business license therefor, or without complying with any and all applicable provisions of this chapter. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or corporation within the city where the imposition of such a condition precedent would be contrary to law.

When any person shall by use of signs, circulars, cards, telephone book, electronic media or newspapers, advertise, hold out, or represent that s/he is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that s/he is in business in the city, and such person fails to deny by a sworn statement given to the collector that s/he is not conducting a business in the city after being requested to do so by the collector, then these facts shall be considered prima facie evidence that s/he is conducting a business in the city.

#### 3.28.040 License subject to other regulations and fees.

Persons required to obtain and pay for a business license for transacting and carrying on any business under this chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the city and shall remain subject to the regulatory provisions of other ordinances. No person shall be entitled to a business license and the collector shall not issue a business license to any person commencing business unless and until said person shall have complied with all applicable city ordinances. No license shall be issued covering any food or

drink dispensing establishment, restaurant, pet hospital, pet shop, veterinarian, or kennel services until the applicant has obtained applicable permits and licenses from the Riverside County department of health, and if applicable, from the State Alcoholic Control Board. No person shall be issued a business license without first obtaining a State Board of **Equalization Seller's permit, if applicable, and adding the City of La Quinta as a sub-location.** No license shall be issued covering the sale of firearms until the applicant has obtained **applicable permits and licenses from the Riverside County Sheriff's department.**

#### 3.28.050 False statements.

It shall be unlawful for any person knowingly to make any false statement in any application for a license pursuant to the provisions of this chapter.

#### 3.28.060 True names on reports.

Every person making out any report or record required by the terms of this chapter or any copy thereof shall sign his true name and give the true name and correct address of the licensee.

#### 3.28.070 Illegal occupations.

A license granted pursuant to this chapter does not permit any occupation or activity of any kind which is prohibited by this code or any other ordinance, or by any state or federal statute, law, rule, order or regulation.

#### 3.28.080 Grounds for denial.

- A. The collector may refuse to issue a license to carry on any business, occupation or activity, if such business, occupation, or activity has been, will be, or is apt to become any one or more of the following:
1. Prohibited by any local ordinance or by any state or federal law, statute, rule or regulation;
  2. A public nuisance;
  3. In any way detrimental to the public interest;
  4. Prohibited by zoning laws and ordinances.
- B. A license may also be denied on the grounds that the applicant has knowingly made a false statement in a material matter either in his/her application or in his/her testimony before the city manager or other body hearing such testimony.

#### 3.28.090 Real party in interest.

The city council, city manager, collector, police department official, or other appropriate officer or body may examine under oath any applicant to determine who is the real party in interest in the business, occupation or exhibition for which a license is sought. If the city council or other body or official having jurisdiction is satisfied that the application is not in the interest of the person in whose name the application is made, it may deny the license. If the city council or such other body or official finds that the application is in the interest of one whose license has been revoked or who has been refused a license, it may treat the application as though made by the real party in interest, and the application shall have the same effect against any future applications as if it had been made in the name of the real party in interest.

### 3.28.100 Grounds for revocation.

A license may be revoked on any one or more of the following grounds:

- A. Any facts exist upon which a denial of such license would be authorized;
- B. The licensee, or any agent or employee of the licensee has been convicted of violating any of the terms of this chapter, or any regulation imposed pursuant thereto, or of any state or federal law, statute, rule, order or regulation, now or hereafter in force regulating the occupation or other activity for which the license was issued;
- C. The licensee obtained the license by fraudulent misrepresentations;
- D. Conspiracy with any person to do anything described in subsections A, B, or C, of this section;
- E. The failure or refusal of the licensee to notify the collector of any material change in facts concerning the license within thirty days after such change.

### 3.28.110 Forfeiture of fee.

On revocation of the license, the entire cost of the business license shall be forfeited to the city.

### 3.28.120 New license after revocation.

When a license of any person is revoked for cause, no new or other license for the same or a similar business shall be granted to the same person within six months after such revocation.

### 3.28.130 Keeping insurance etc., in force.

- A. Whenever this code requires the applicant for any license or permit to procure, post, or maintain in effect any bond, undertaking, deposit, surety, or policy of insurance, any license or permit so issued shall be in good standing only when such bond, undertaking, deposit, surety, or policy of insurance is in full force and effect. Such license or permit shall be automatically suspended without notice at any time such bond, undertaking, deposit, surety, or policy of insurance is not in full force and effect.
- B. If a new bond, undertaking, deposit, surety, or policy of insurance acceptable to the collector if it is filed before the cancellation or expiration of the old one becomes effective, the license or permit will continue in full force.

### 3.28.140 Compliance with laws required.

The payment for a business license as required by the provisions of this chapter, and its acceptance by the city, and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of this code and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

3.28.150 License and penalties constitute debt to city.

The charge for any business license and penalty imposed by the provisions of this chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent business license charges and penalties.

3.28.160 Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

3.28.170 Separate license for each place or type of business.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided further, that any person conducting two or more types of businesses at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records may, at his option, pay only for one business license calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest payment on such gross receipts except that a business license charge of three dollars (\$3.00) for each additional branch, location, or type of business shall be paid.

3.28.180 Information confidential.

The collector or any of his authorized representatives shall not make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain or pay for a business license under the provisions of this chapter or to divulge the amount or source of income, profits, losses, expenditures, or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any other document relating thereto which contains specific information as to the amount or source of income or expenditures of any person obtaining a license to be seen or examined by any person.

Nothing in this section shall be construed to prevent the disclosure to or examination of records by another city agent for the sole purpose of administering or enforcing any of the provisions of this chapter or auditing of accounts of the collector, federal or state officials, or a grand jury or court of law upon subpoena or in a proceeding to determine the existence of any business license liability amount of the particular licensee to the city; nor shall the disclosure of the names and addresses of persons to whom licenses have been issued and the general type of their business be prohibited hereunder, together with general statistics regarding the business license costs and business receipts collected or business done in the city.

### 3.28.190 Exemptions.

A. Generally. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California. Any person claiming an exemption pursuant to this chapter shall file a written declaration, under penalty of perjury with the collector stating the facts upon which exemption is claimed are true and correct and shall furnish such information and verification as may be required, such as a 501(C)3 form, DD-214 form, medical doctor verification, proof of gross receipts satisfactory to the Collector, IRS form 4506-T, etc. In the absence of such statement substantiating the claim, such person shall be liable for the payment for the business license imposed by this chapter. The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this chapter.

B. Charitable and nonprofit organizations. The provisions of this chapter shall not be deemed or construed to require the payment for a business license to conduct, manage or carry on any business, occupation, or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any individual; nor shall any business license be required for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious or moral subjects within the city whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church or school or to any religious or benevolent purpose; nor shall any business license be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this code requiring a permit from the city council or any commission or officer to conduct, manage, or carry on any profession, trade, calling or occupation.

C. Disabled veterans. No business license payable hereunder shall be payable by any person who has received an honorable discharge from or release from active duty in one of the United States armed services, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state. In addition to form DD214, the city may require any disabled veteran applying for an exemption to submit a certificate signed by a physician or surgeon substantiating the disability.

D. Newspapers, magazines and periodicals. The provisions of this chapter shall not apply to the publication or sale of newspapers, magazines or other periodicals regularly issued at average intervals not exceeding three months.

E. Businesses subject to franchise, etc. No business license shall be required of any public utility or other service organization which pays to the city a fee or tax under a franchise or similar agreement.

F. Limited income. No business license shall be required of a person doing business and drawing social security benefits whose gross receipts do not exceed the maximum income allowed by Title 42, U.S. Code, Sections 403(f)(3), as presently written or as amended.

3.28.200 Fee adjustments required in cases of interstate commerce.

None of the business license charges provided for herein shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitution of the United States and the state of California. In any case where a business license charge is believed by a licensee or applicant for a license, to place an undue burden upon interstate commerce or be violative of such constitutional clauses, s/he may file an appeal with the City Manager pursuant to Chapter 2.08 of this Code.

3.28.210 Application—Contents of license.

Every person required to have a license, or renewing a license under the provisions of this chapter shall make application for the same to the collector on forms provided by the collector, and upon the payment of the prescribed business license charge the collector shall, if appropriate, issue to such person a license which shall contain (1) the name of the person to whom the license is issued, (2) the business licensed, (3) the place where such business is to be transacted and carried on, (4) the date of the expiration of such license, (5) a fictitious business statement if applicable, and (6) such other information as may be necessary for the enforcement of the provisions of this chapter.

3.28.220 Statement of gross receipts.

In all cases where the amount for the business license to be paid is measured by gross receipts, or is exempt based on gross receipts, the applicant for license shall furnish to the collector a sworn statement setting forth such information as is required and as may be necessary to determine the amount for the business license to be paid by the applicant. Upon making application for the first license to be issued hereunder, or for a newly established business, a person shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount for the business license to be paid by the applicant. The applicant for the renewal of a license shall submit to the collector a sworn statement **setting forth such information concerning the applicant's business during the preceding year** as may be required by the collector to enable him/her to ascertain the amount for the business license to be paid by the applicant.

3.28.230 Statements not conclusive.

No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the collector, his/her deputies, or authorized employees of the city, who are hereby authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount for the business license due. An inspection of

books and records shall be made only when the collector has determined that there is substantial necessity to do so in order to properly administer this chapter.

All licensees, applicants for licenses, and persons engaged in business in the city are hereby required to permit an examination of such books and records for the purposes aforesaid.

3.28.240 Failure to file or failure to file a corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector s/he fails to file a corrected statement, the collector may determine the amount for the business license due from such person by means of such information as s/he may be able to obtain. If such a determination is made, the collector shall give a notice of the amount so assessed by serving it in accordance with section 1.01.300 of this code.

3.28.250 Appeals

Any person aggrieved by any decision of the collector or of any other city officer made pursuant to this chapter may request a hearing before the city manager in accordance with chapter 2.08 of this code.

3.28.260 Additional power of collector.

In addition to all other power conferred upon him/her, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power to compromise any claims as to amount for the business license due.

3.28.270 No license transferable—Amended license for changed location.

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a processing fee of ten dollars (\$10.00) have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business has or is to be moved.

3.28.280 Duplicate license.

A duplicate license may be issued by the collector to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact and, at the time of filing such statement, paying a duplicate license processing fee of five dollars (\$5.00).

3.28.290 Posting and keeping licenses.

All licenses shall be kept and posted in the following manner:

- A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

- B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his/her person at all times while transacting and carrying on such business in the city.

3.28.300 Method and time of payment.

Unless otherwise specifically provided, all annual amounts due for business licenses shall be due and payable on or before the renewal date.

3.28.310 Penalties for failure to pay fee when due.

For failure to pay for a business license when due, the collector shall add a penalty of ten percent (10%) of such business license charge on the first day of each succeeding month after the due date thereof; provided, however, the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the business license charge due.

3.28.320 Business license amounts —Persons without fixed place of business in city.

Every person not having a fixed place of business within the city and not being otherwise licensed or classified in this chapter, who delivers any product or service by the use of vehicles in the city except taxicabs and passenger carriers shall pay for a business license as follows:

- A. Delivers any product or service in the city by the use of vehicles – amounts based on vehicle weight as follows:

| <u>Capacity:</u>                   | <u>Rate per Vehicle:</u> |
|------------------------------------|--------------------------|
| Not exceeding one-half (½) ton     | \$15.00                  |
| One-half (½) to two (2) tons       | \$25.00                  |
| Over two (2) ton to three (3) tons | \$50.00                  |
| Over three (3) tons                | \$75.00                  |

- B. Operates a mobile or occasional business – flat rate based on type of use as follows:

1. Advertising.

- Distributing handbills: \$100.00 annually, or \$50.00 monthly, or \$25.00 daily.
- Sound trucks: \$200.00 annual fee per truck, or \$50.00 daily fee per truck.
- Klieg lights: \$150.00 per year per light, or at licensee's option, \$15.00 per day per light.

2. Auctioneers. \$250.00 per year, or at the option of the licensee, \$25.00 per day.

3. Carnivals, Fairs. \$200.00 for the first day and \$150.00 for each additional day, for the first ten or fewer concessions; plus \$30.00 for the first day and \$20.00 for each additional day for each concession in excess of ten. For the purpose of this section, concession shall be any amusement ride, booth, exhibit, stall, tent, trailer, or stand which charges any fee for the ride, service or product offered.

4. Circuses. \$200.00 per day.

5. Commercial Filming and Still Photography. On city streets or other city property, as follows:

| <u>Persons Employed at Location:</u> | <u>Rate per Day:</u> |
|--------------------------------------|----------------------|
| 1-3                                  | \$100.00             |
| 4-6                                  | \$200.00             |
| 7-9                                  | \$400.00             |
| 10 and over                          | \$600.00             |

Traffic-control costs or any additional costs as required by the chief of police shall be paid entirely by the applicant.

6. Contractors and subcontractors. Every person engaged in the business of contracting which requires a state contractors' license shall pay a business license as follows:
  - a. General contractors, \$100.00 annually;
  - b. Subcontractors, \$50.00 annually;
  - c. Business licenses for general contractors and subcontractors may be obtained semi-annually for half the annual rate.
7. Peddlers or Solicitors.
  - a. Principal, \$200.00 annually;
  - b. Each additional solicitor or peddler, \$10.00 quarterly.
8. Sales Representatives. Every person engaged in the business of solicitor of order for sales or services by a nationally franchised business (such as AVON) wherein solicitation only occurs by previous appointment shall pay \$25.00 per year.

Every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of this section, such as consultants or others providing a professional service, shall pay for a business license at the same rate prescribed in this chapter for persons engaged in the same type of business from and having a fixed place of business within the city. Any person not having a fixed place of business within the city and subject to a business license rate based on gross receipts shall calculate gross receipts in accordance with Section 3.28.010(D) and provide statements in accordance with Section 3.28.220.

### 3.28.330 Persons with fixed place of business in city.

A. Passive-type businesses – flat rate based on type of use as follows:

1. Billboards. Signs not fixed on places of business: \$100.00 per structure or sign per year.
2. Living Accommodations. Every person transacting or engaged in the rental of four or more dwelling units in any apartment house, rooming house, houses for rent, or other living accommodations shall pay \$12.00 annually per unit, provided that hotels and motels shall be on the gross receipts basis, Class B.
3. Mobile Home, Trailer, and Recreational Vehicle Parks. \$12.00 per space per year.
4. Coin-operated machines. Every person operating one or more vending machine, coin-operated amusement device, shuffleboard, juke box, electronic game or other similar device, shall pay for a business license based on the entire gross receipts from all of such machines operated within the corporate limits of the city in accordance with the schedule set forth in Section 3.28.330 subsection B, Class B.

B. Every person who engages in business at a fixed place of business within the city shall pay for a business license based upon gross receipts at the following rates and in the following classifications:

| Gross Receipts Range   | Rate Class A | Rate Class B | Rate Class C |
|------------------------|--------------|--------------|--------------|
| 0 – 25,000             | 15.00        | 18.00        | 21.00        |
| 25,001 – 50,000        | 25.00        | 30.00        | 36.00        |
| 50,001 – 100,000       | 30.00        | 36.00        | 43.00        |
| 100,001 – 250,000      | 46.00        | 55.00        | 66.00        |
| 251,000 – 500,000      | 76.00        | 90.00        | 108.00       |
| 500,001 – 750,000      | 114.00       | 135.00       | 162.00       |
| 751,000 – 1,000,000    | 150.00       | 180.00       | 216.00       |
| 1,000,001 – 2,000,000  | 400.00       | 500.00       | 600.00       |
| 2,000,001 – 3,000,000  | 500.00       | 625.00       | 750.00       |
| 3,000,001 – 4,000,000  | 600.00       | 750.00       | 900.00       |
| 4,000,001 – 5,000,000  | 700.00       | 875.00       | 1,050.00     |
| 5,000,001 – 10,000,000 | 1,000.00     | 1,250.00     | 1,500.00     |
| 10,000,001 and up      | 1,500.00     | 1,875.00     | 2,250.00     |

## CLASSIFICATIONS

### Class A

- Automobile repair, services and gas stations
- Home-based food and/or beverage businesses, for profit
- Laundry, dry cleaning, and garment services
- Manufacturing not listed in Classes B or C
- Retail trade not listed in Classes B or C
- Wholesale trade not listed in Classes B or C

### Class B

- Amusement and recreation services, including motion pictures
- Architectural and design services
- Automotive sales
- Barbers and hairstylists
- Beauty shops and nail salons
- Childcare providers
- Cleaning services
- Coin-operated and vending machines
- Engineering services
- Hotels and motels
- Landscape and horticultural services
- Maintenance and handyman services
- Operators, renters, and lessors of commercial and residential property
- Restaurants and eating and drinking establishments
- Secretarial and notarial services
- Services to buildings and pools
- Short-term vacation rental homeowners
- Storage facilities
- All other persons engaged in business not specifically listed elsewhere in this chapter

## Class C

Accounting, auditing, and bookkeeping services  
Consultants and other professional service providers  
Financial services  
Insurance brokers and services  
Legal services  
Management services and public relations services  
Medical and health services, including eldercare, massage and personal trainers  
Real estate agents, brokers, managers, and services, including property management  
Travel consultants and travel services

### 3.28.340 Taxicabs and passenger carriers.

A. All passenger carriers described in section 5.40.010 subsection A and subject to chapter 5.40 shall, in addition to all other requirements, comply with the franchise, license, permit, and contract requirements established by Sunline Transit Agency and Sunline Services Group. In the event that the city takes official action to no longer be a member of the Sunline Transit Agency or Sunline Services Group, or the city takes official action to no longer be a party to the Implementation Agreement Authorizing the Sunline Services Group to Regulate Taxicabs, or both, then all passenger carriers described in section 5.40.010 subsection A and subject to chapter 5.40 shall remain subject to and governed by all ordinances, resolutions, regulations, and other official actions then in place, including the provisions for the annual business license amounts **for taxicab operators' licenses and taxicab vehicles**, set by Sunline Transit Agency and Sunline Services Group, except that the city shall be the governing agency with jurisdiction over the passenger carriers.

B. In the event that passenger carriers described in section 5.40.010 subsection A are found, by any governmental entity with competent jurisdiction, to no longer be subject to and governed by the ordinances, resolutions, regulations, and other official actions then in place by Sunline Transit Agency and Sunline Services Group at the time the city becomes the governing agency pursuant to subsection A of this section, then notwithstanding any **other provision in this code, the annual business license amounts for taxicab operators' licenses and taxicab vehicles** shall be the fees originally adopted by La Quinta Ordinance No. 31, which are:

1. **Taxicab operator's license, \$60.00 annually**
2. Taxicab vehicles, per vehicle, \$25.00 annually

### 3.28.350 Waiver or reduction of taxes or penalties by city council.

The city council, for good and satisfactory cause shown, may order the issuance of a business license for less than the charge herein provided or without any payment whatsoever.

### 3.28.360 Rules and regulations.

The collector may make such rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement. Such rules and regulations shall be known as BUSINESS LICENSE RULES AND REGULATIONS, shall be placed in written form and numbered consecutively, and

shall be approved by the city attorney before becoming effective. A copy of each such BUSINESS LICENSE RULES AND REGULATIONS shall be filed with the city clerk.

DELETE Chapter 3.30  
~~PUBLIC WORKS CONTRACT~~

DELETE Chapter 3.32  
~~SERVICE CONTRACTS~~

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF LA QUINTA        )

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify the foregoing to be a full, true, and correct copy of Ordinance No. 526 which was introduced at a regular meeting on the 7<sup>th</sup> day of July, 2015, and was adopted at a regular meeting held on the 21<sup>st</sup> day of July, 2015, not being less than 5 days after the date of introduction thereof.

I further certify that the foregoing Ordinance was posted in three places within the City of La Quinta as specified in City Council Resolution No. 2015-023.

\_\_\_\_\_  
SUSAN MAYSELS, City Clerk  
City of La Quinta, California

DECLARATION OF POSTING

I, SUSAN MAYSELS, City Clerk of the City of La Quinta, California, do hereby certify that the foregoing ordinance was posted on July 23, 2015 pursuant to Council Resolution.

\_\_\_\_\_  
SUSAN MAYSELS, City Clerk  
City of La Quinta, California



## Chapter 3.08

### INVESTMENT OF MONEYS AND FUNDS

#### 3.08.010 Investment of city moneys and deposit of securities.

Pursuant to, and in accordance with, and to the extent allowed by, Sections 53607 and 53608 of the Government Code, the authority to invest and reinvest moneys of the city, to sell or exchange securities, and to deposit them and provide for their safekeeping, is delegated to the city treasurer. (Ord. 2 § 1, 1982)

#### 3.08.020 Authorized investments.

Pursuant to the delegation of authority in Section 3.08.010, the city treasurer is authorized to purchase, at their original sale or after they have been issued, securities which are permissible investments under any provision of state law relating to the investing of general city funds, including but not limited to Sections 53601 and 53635 of the Government Code, and the city council adopted city investment policy as said sections now read or may hereafter be amended, from moneys in ~~his~~ the city treasurer's custody which are not required for the immediate necessities of the city and as s/he may deem wise and expedient, and to sell or exchange for other eligible securities and reinvest the proceeds of the securities so purchased. (Ord. 2 § 1, 1982)

#### 3.08.030 Sales of securities.

From time to time the city treasurer shall sell the securities in which city moneys have been invested pursuant to this chapter, so that the proceeds may, as appropriate, be applied to the purchase for which the original purchase money may have been designated or placed in the city treasury. (Ord. 2 § 1, 1982)

#### 3.08.040 City bonds.

Bonds issued by the city and purchased pursuant to this chapter may be cancelled either in satisfaction of sinking fund obligations or otherwise if proper and appropriate; provided, however, that the bonds may be held uncanceled and while so held may be resold. (Ord. 2 § 1, 1982)

#### 3.08.050 Reports.

The city treasurer shall make as required by Section 53646(b)(1) of the Government Code -a quarterly monthly report to the city council of all investments made pursuant to the authority delegated in this chapter. (Ord. 2 § 1, 1982)

#### 3.08.060 Deposits of securities.

Pursuant to the delegation of authority in Section 3.08.010, the city treasurer is authorized to deposit for safekeeping, the securities in which city moneys have been invested pursuant to this chapter, in any institution or depository authorized by the terms of any state law, including but not limited to Section 53608 of the Government Code, and the city council adopted investment policy as it now reads or may hereafter be amended. In accordance with said section, the city treasurer shall take from the institution or depository a receipt for the securities so deposited and shall not be responsible for the securities delivered to and receipted for by the institution or depository until they are withdrawn therefrom by the city treasurer. (Ord. 2 § 1, 1982)

3.08.070 Trust fund administration.

~~Any departmental trust fund established by the city council pursuant to Section 36523 of the Government Code shall be administered by the city treasurer in accordance with Sections 36523 and 36524 of the Government Code and any other applicable provisions of law. (Ord. 2 § 1, 1982)~~

## Chapter 3.12

### PURCHASES, CONTRACTS AND SURPLUS

#### 3.12.010 ~~Adoption of P~~ purchasing system.

In order to establish efficient procedures for the purchase of supplies, equipment and services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, the purchasing system is established by the ordinance enacting this chapter and shall be set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.~~adopted (Ord. 2 § 1, 1982)~~

#### 3.12.020 Service contracts

A. Solicitation and selection of firms to provide professional services that primarily rely on the knowledge, experience and professional judgment of the provider, such as legal or financial advisors and CPAs, architectural, engineering, environmental, land surveying, construction project management, and the like shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and on fair and reasonable prices.

~~[3.32.010] A. Solicitation and selection of professional services of private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and on fair and reasonable prices. Where the city manager or department director determines that the particular services required are of a technical nature and involve little professional judgement, solicitation and selection shall comply with subsection B of this section.~~

B. Solicitation and selection of firms to provide professional services that are of a technical nature such as real estate appraisals, plan check, housing or other program management, software or video services, marketing and advertising services, art, personnel development, and the like shall be on the basis of the most advantageous proposal after consideration of qualifications, demonstrated competence, cost, delivery time, and other factors.

~~[3.32.010] B. Solicitation and selection of firms for services other than those specified in subsection A of this section shall be on the basis of the most advantageous proposal after consideration of qualifications, demonstrated competence, cost, delivery time, and other factors.~~

C. The specific procedures, rules and regulations governing the solicitation and selection of firms to provide services are those set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.

~~[3.32.010] C. The city council may, by resolution, prescribe specific procedures, rules and regulations governing the solicitation and selection of firms. (Ord. 315 § 5 (part), 1998)~~

3.12.030 ~~3.30.010~~ Public works contracts

A. Contracts for public works projects, as defined in Section 20161 of the California Public Contract Code, shall be awarded to the lowest responsive and responsible bidder.

B. The specific procedures and rules governing the solicitation of bids and award of contracts for public works projects are those set forth in the purchasing and contracting policies and procedures resolution adopted by the city council as amended from time to time.

~~C. With the exception of local procedures and rules set forth in the purchasing and contracting policies and procedures resolution adopted by the city council, Except when federal or state law governs a public works projects shall that must conform to federal or state requirements, as applicable, for the solicitation and awarding of public works projects contracts, the requirements set forth in the purchasing and contracting policies and procedures resolution adopted by the city council shall govern contracts for public works.~~

3.12.040 [from 3.30.050] Prevailing wage requirement.

A. This section applies to “public works” as defined in California Labor Code Section 1720 through 1743, as may be amended and including the exceptions set forth therein.

B. For public works contracts for construction work over twenty-five thousand dollars and for alterations, demolition, repair or maintenance work over fifteen thousand dollars, entered into, or extended on or after January 1, 2015, the city shall require compliance with California Labor Code Sections 1770 through 1782 as may be amended from time to time. (ord. 521

3.12.050 ~~3.30.040~~ ~~3.32.040~~ Contract incentives.

Contracts for public works projects, supplies and equipment and services may include monetary or other incentives for superior performance or early completion/delivery of the work, goods or service. (Ord. 315 § 4 (part), 1998)

3.12.~~300~~060 Surplus supplies and equipment; trade-ins; sales and donations.

A. All using departments shall submit to the ~~purchasing agent~~ city manager or his or her designee, at such times and in such forms as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete and worn out, in accordance with the surplus policies and procedures resolution adopted by the city council as amended from time to time.

B. The city council or the city manager, or his or her designee, shall have the authority to transfer, dispose, donate, and otherwise address surplus supplies and equipment in accordance with the surplus policies and procedures resolution adopted by the city council as amended from time to time. (Ord. 2 § 1, 1982)

~~3.12.020 Centralized purchasing division.~~

~~There is created a centralized purchasing division in which is vested authority for the purchase of supplies and equipment. (Ord. 2 § 1, 1982)~~

### **3.12.030 Purchasing agent.**

~~There is created the position of purchasing agent who shall be designated by the city manager. The duties of the purchasing agent may be combined with those of any other office or position. The purchasing agent shall have the authority to:~~

- ~~\_\_\_\_\_ A. \_\_\_\_\_ Purchase or contract for supplies and equipment required by any using agency in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing agent shall adopt for the internal management and operation of the purchasing division and such other rules and regulations as shall be prescribed by the city council or the city manager;~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ Negotiate and recommend execution of contracts for the purchase of supplies and equipment;~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ Act to procure for the city the needed quality in supplies and equipment at least expense to the city;~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;~~
- ~~\_\_\_\_\_ E. \_\_\_\_\_ Prepare and recommend to the city council rules governing the purchase of supplies and equipment for the city;~~
- ~~\_\_\_\_\_ F. \_\_\_\_\_ Prepare and recommend revisions and amendments to the purchasing rules;~~
- ~~\_\_\_\_\_ G. \_\_\_\_\_ Keep informed of current developments in the field of purchasing, prices, market conditions and new products;~~
- ~~\_\_\_\_\_ H. \_\_\_\_\_ Prescribe and maintain such forms as are reasonably necessary for the operation of this chapter and other rules and regulations;~~
- ~~\_\_\_\_\_ I. \_\_\_\_\_ Supervise the inspection of all supplies and equipment purchased to ensure conformance with specifications;~~
- ~~\_\_\_\_\_ J. \_\_\_\_\_ Recommend the transfer of surplus or unused supplies and equipment between departments as needed;~~
- ~~\_\_\_\_\_ K. \_\_\_\_\_ Maintain an approved vendors list, vendors' catalogue file and records needed for the efficient operation of the purchasing division. (Ord. 288 § 1 (part), 1996; Ord. 2 § 1, 1982)~~

-

### **3.12.040 Purchasing regulations.**

~~The purchasing agent shall be responsible for determining that the regulations and procedures in Sections 3.12.050 through 3.12.110 are carried out. (Ord. 2 § 1, 1982)~~

-

### **3.12.050 Exemptions from centralized purchasing.**

~~The city manager may authorize, in writing, any department to purchase specified supplies and equipment independently of the purchasing division; but he shall require that such purchases shall be made in conformity with the procedures established by this chapter and shall further require periodic reports from the department on the purchases made under such written authorization. (Ord. 2 § 1, 1982)~~

-

### **3.12.060 Estimates of requirements.**

~~All using departments shall file detailed estimates of their requirements in supplies and equipment in such manner, at such time, and for such future periods as the purchasing agent shall prescribe. (Ord. 2 § 1, 1982)~~

-

### **3.12.080 Purchase orders.**

~~Purchases of supplies and equipment in an amount over one thousand dollars, shall be made only by purchase orders. Except as otherwise provided in this chapter, no purchase order shall be issued unless the prior approval of the purchasing agent or his designated representative has been obtained.~~

| <del>Value of Purchase</del>          | <del>Procedure</del>   |
|---------------------------------------|--|
|                                       | -  |
| <del>Under \$1,000.00</del>           | <del>No purchase order or purchase requisition required. Invoice for purchase must be approved by department director prior to submission to finance for processing.</del> |
|                                       | -  |
| <del>\$1,000.00 to \$2,500.00</del>   | <del>Purchase order required; no bidding procedure required.</del>   |
|                                       | -  |
| <del>\$2,501.00 to \$10,000.00</del>  | <del>Purchase order required; open market or informal bidding procedure required. Pursuant to Section 3.12.240.</del>  |
|                                       | -  |
| <del>\$10,000.00 to \$25,000.00</del> | <del>Purchase order required; open market or informal bidding procedure required. Pursuant to Section 3.12.240.</del>  |
|                                       | -  |
| <del>\$25,001.00 and up</del>         | <del>Purchase order required; formal sealed bid procedure required. Pursuant to Sections 3.12.120 through 3.12.215.</del>  |

~~{Ord. 297 § 2, 1997; Ord. 2 § 1, 1982}~~

-

**3.12.090 Encumbrance of funds.**

~~Except in cases of emergency, the purchasing agent shall not issue any purchase order for supplies or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Ord. 2 § 1, 1982)~~

-

**3.12.100 Inspection and testing.**

~~The purchasing agent shall, in his discretion, inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order. The purchasing agent shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 2 § 1, 1982)~~

-

**3.12.110 Bidding.**

~~Purchases of supplies and equipment shall be by bid procedures pursuant to Sections 3.12.120 through 3.12.260. Bidding may be dispensed with only under conditions stated in Section 3.12.270. (Ord. § 1 (part), 1982)~~

-

**3.12.120 Formal (sealed) bid procedure.**

~~Except as otherwise provided in this chapter, purchases of supplies and equipment of an estimated value greater than twenty-five thousand dollars shall be awarded to the lowest responsible bidder pursuant to the formal bid procedure prescribed in this chapter. (Ord. 315 § 1 (part), 1998; Ord. 288 § 1 (part), 1996; Ord. 106 § 1, 1987; Ord. 2 § 1, 1982)~~

-

**3.12.130 Notice inviting formal bids.**

~~Notice inviting formal bids shall include a general description of the article desired, shall state where bid documents and specifications may be secured, and the time and place for opening bids. (Ord. 315 § 1 (part), 1998; Ord. 2 § 1, 1982)~~

**3.12.140 Published notice for formal bids.**

~~Notices inviting formal bids shall be published at least ten days prior to the date of opening of the bids. Notices shall be published at least once in a newspaper of general circulation in the city. (Ord. 315 § 1 (part), 1998; Ord. 2 § 1, 1982)~~

-

**3.12.150 Approved vendors list.**

~~The purchasing agent shall also solicit formal sealed bids from responsible suppliers whose names are on the approved vendors list, or who have made written request that their names be added thereto. (Ord. 2 § 1, 1982)~~

-

**3.12.160 Bulletin board notice.**

~~The purchasing agent shall advertise the pending formal purchases by posting a notice on the public bulletin board at the city offices. (Ord. 2 § 1, 1982)~~

-

**3.12.170 Bidder's security.**

~~Formal bids shall be accompanied by security, either cash, cashier's check, certified check or surety bond, in a sum equal to ten percent of the total aggregate of the bid, and shall be designated in the notice inviting bids. Bidders shall be entitled to return of bid security; provided, however, that a successful bidder shall forfeit his bid security upon his refusal or failure to execute the contract within ten days after the notice of award of contract has been mailed, unless the city is solely responsible for the delay in executing the contract. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder who is willing to execute the contract, or may reject all bids and readvertise. (Ord. 315 § 1 (part), 1998; Ord. 2 § 1, 1982)~~

-

**3.12.175 Other formal bond requirements.**

~~The city council shall have authority to require a faithful performance bond or other bonds before entering into a contract. If bonds are required, the form and amount thereof shall be designated in the notice inviting bids. (Ord. 315 § 1 (part), 1998; Ord. 2 § 1, 1982)~~

-

**3.12.180 Formal bid opening procedure.**

~~Sealed bids shall be submitted to the purchasing agent and shall be identified as bids on the envelope. The purchasing officer, or designee, shall publicly open all bids at the time and place stated in the public notices. A tabulation of all bids received shall be available for public inspection in the purchasing office during regular business hours for a period of not less than thirty calendar days after the bid opening. (Ord. 2 § 1, 1982)~~

-

### **3.12.190 Rejection of formal bids.**

~~In its discretion, the city council may reject any and all bids presented and may cause readvertising for bids pursuant to the procedure prescribed in this chapter. However, when all bids exceed the authorized budgeted amount, the city manager may authorize rejection of all bids and authorize rebidding based upon the original specifications or as they may be modified, in accordance with procedures prescribed in this chapter. (Ord. 2 § 1, 1982)~~

### **3.12.200 Award of formal bid contracts.**

~~Except as otherwise provided in this chapter, formal bid contracts shall be awarded by the city council to the lowest responsible bidder. The determination of lowest responsible bidder shall be at the discretion of the city council pursuant to findings and recommendations presented by the purchasing agent at the time of the award of contract. (Ord. 2 § 1, 1982)~~

### **3.12.210 Tie formal bids.**

~~———— If two or more formal bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may in its discretion accept the one it chooses or accept the lowest bid made by and after negotiation with the tie bidders at the time of the bid opening or award of contract. (Ord. 2 § 1, 1982)~~

### **3.12.215 No formal bids.**

~~When no formal bids or no responsive bids are received, the purchasing officer is authorized to negotiate for written proposals, and his recommendation shall be presented to the city manager and award, if any, shall be made in accordance with applicable provisions prescribed in this chapter. (Ord. 2 § 1, 1982)~~

### **3.12.230 Open market or informal bid procedure.**

~~Purchases of supplies and equipment of an estimated value in the amount of twenty five thousand dollars or less may be made by the purchasing agent in the open market pursuant to the procedure prescribed in Sections 3.12.240 through 3.12.260 and without observing the procedure prescribed in Sections 3.12.120 through 3.12.215; provided, however, all bidding may be dispensed with for purchases of supplies and equipment having a total estimated value of less than two thousand five hundred dollars; and that city council approval is obtained for purchases in excess of ten thousand dollars. (Ord. 288 § 1 (part), 1996; Ord. 2 § 1, 1982)~~

### **3.12.240 Minimum number of informal bids.**

~~Open market purchases shall, wherever possible, be based on at least three informal bids, and shall be awarded to the bidder offering the most advantageous bid to the city after consideration of price, quality, durability, servicing, delivery time, standardization, and other factors. (Ord. 2 § 1, 1982)~~

### **3.12.250 Notice inviting informal bids.**

~~The purchasing agent shall solicit informal bids by written requests to prospective vendors, or by telephone, or by public notice posted on a public bulletin board at the city offices. (Ord. 2 § 1, 1982)~~

### **3.12.260 Record of informal bids.**

~~The purchasing agent shall keep a written record of all open market purchases and informal bids for a period of one year. This record, while so kept, shall be open to public inspection. (Ord. 2 § 1, 1982)~~

-

### **3.12.270 Exceptions to competitive bidding requirement.**

~~Notwithstanding any provision of this chapter to the contrary, the competitive bidding procedures and requirements may be dispensed with in any of the following instances:~~

- ~~\_\_\_\_\_ A. \_\_\_\_\_ When the estimated amount involved is less than two thousand five hundred dollars;~~
- ~~\_\_\_\_\_ B. \_\_\_\_\_ When the commodity can be obtained from only one vendor;~~
- ~~\_\_\_\_\_ C. \_\_\_\_\_ The city manager may authorize the purchase of materials, supplies, equipment and services where an emergency is deemed to exist and it is determined that service involving the public health, safety or welfare would be interrupted if the normal procedure were followed. All emergency purchases, which would otherwise require formal bidding procedures, made pursuant to this section, shall be submitted to the city council for ratification at the next regular council meeting after the purchase is authorized;~~
- ~~\_\_\_\_\_ D. \_\_\_\_\_ The city council may authorize the execution of purchase contracts without observing the bidding procedures provided in this chapter where the amount of the contract exceeds the value of ten thousand dollars;~~
- ~~\_\_\_\_\_ E. \_\_\_\_\_ The city manager is authorized to enter into purchase contracts without observing the bidding procedure provided in this chapter where the amount of the contract does not exceed the amount of ten thousand dollars; provided there exists an unencumbered appropriation in the fund account against which the expense is to be charged;~~
- ~~\_\_\_\_\_ F. \_\_\_\_\_ Any agreement involving acquisition of supplies, equipment or service entered into with another governmental entity. (Ord. 315 § 1 (part), 1998; Ord. 288 § 1 (part), 1996; Ord. 2 § 1, 1982)~~

-

### **3.12.300 Surplus supplies and equipment.**

~~All using departments shall submit to the purchasing agent, at such times and in such forms as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete and worn out. (Ord. 2 § 1, 1982)~~

-

### **3.12.310 Surplus supplies — Trade-ins.**

~~The purchasing agent shall have authority to exchange for or trade in on new supplies and equipment all supplies and equipment which cannot be used by any department or which have become unsuitable for city use. (Ord. 2 § 1, 1982)~~

-

### **3.12.320 Surplus supplies — Sale.**

~~The purchasing agent shall also have authority, subject to approval of the city manager, to dispose of surplus supplies or equipment by auction or by sale or otherwise after receiving bids or proposals which, in his judgment, provide the maximum return to the city. (Ord. 2 § 1, 1982)~~

## Chapter 3.14 AUTHORIZATION OF SIGNATURES FOR CITY WARRANTS

### 3.14.010 Authorization of signatures for city warrants.

All city warrants require the signatures of two city officers. The following four city officers are authorized to sign city warrants: mayor, mayor pro tem, city manager and finance director. The finance director is ~~also~~ authorized to use ~~the~~ facsimile, digital or electronic signatures ~~of the city manager~~ in the preparation of city warrants. ~~In the event a facsimile signature is used the signature of the mayor, mayor pro tem or finance director is required.~~ (Ord. 337 § 1, 2000; Ord. 210 § 1, 1992)

## Chapter 3.15 [new chapter] DEMANDS FOR PAYMENT

### 3.15.010 Purpose.

[NEW] It is the purpose of this chapter to describe procedures for the processing and payment of demands, bills, and other claims against the city arising out of purchase orders and contracts, including bills for labor, materials and supplies furnished; but not including payroll or claims for money or damages covered by chapter 3.16.

### 3.15.020 Auditing prerequisite to payment.

[from 3.16.020] No payment shall be made from the city treasury or out of the funds of the city unless the demand which is to be paid is duly audited as prescribed in sections 3.15.040 and 3.15.050 of this chapter or by other provisions of law.

~~3.16.030~~ re: forms – deleted by Rita 6/3/2015

### 3.15.040 ~~Audit and approval by receiving Department~~ approval of claims.

[from 3.16.040] Except for tort claims, every demand received against the city shall first be presented to and approved in writing by the receiving department or office, which shall certify to the actual delivery or rendition of the supplies, materials, property or service for which payment is demanded; that the quality and prices correspond with the original specifications and contracts, if any, upon which the demand is based; that the demand in all other respects is proper and valid, and which shall further indicate the budgetary account to which the demand is to be charged.

### 3.15.050 ~~Audit and a~~ approval by director of finance.

[from 3.16.050] Each demand approved by the receiving department or office shall be presented to the director of finance who shall satisfy him/herself whether:

- A. The demand is legally due and owing by the city;
- B. There are budgeted or otherwise appropriated funds available to pay the demand;
- C. The demand conforms to a valid requisition or order;
- D. The prices and computations shown on the demand are verified;
- E. The demand contains the approval of other departments and officials as required.

### 3.15.060 Prepayment of demands.

[from 3.16.060 and revised]

- A. ~~As provided by Section 37208 of the California Government Code, (1) payroll warrants or checks need not be audited by the city council prior to payment. Payrolls shall be presented to the city council for ratification and approval at the first meeting after delivery of the payroll warrants or checks, (2) warrants or checks drawn in payment of demands certified or approved by the director of finance as conforming to a budget approved by resolution of the city council need not be audited by the city council prior to payment, and (3) notwithstanding items (1) and (2), budgeted payrolls and demands paid by warrants or checks may be presented to the city council for ratification and approval in the form of an audited comprehensive annual financial report. Prepayment of demands prior to audit by the finance committee and the city council may be made~~

~~by the director of finance and general services in conformity with the authority provided by Section 37208 of the Government Code.~~

- B. Whenever the director of finance determines that a refund is due of fees, taxes or other receipts collected in error or in advance of being earned, or of money the refund of which is otherwise due pursuant to specific provisions of this code or of any other ordinance of this city, then any such refund shall be deemed as conforming to the currently approved budget, and may be prepaid in the same fashion as other demands encompassed within the terms of subsection A of this section.

### 3.15.070 Approval of the register of demands.

[from 3.16.070, 080 and revised] Following audit of demands, the director of finance and general services shall prepare a register of audited demands showing the claimant's name, amount of demand, the warrant number and date thereof, and transmit the register to the city manager for his/her review and approval. ~~presentation to the finance committee and the city council with his approval or other report.~~ The register of demands shall be presented to the city council to receive, review and file at the next regular meeting thereof.

~~The city council may by resolution approve, conditionally or partially approve or reject the register of demands and in connection therewith consider the recommendations of the finance committee and the city manager.~~

Delete old [3.16.090 Record of approved demands.](#)

~~Following approval of the register of demands by the city council, the chairperson of the finance committee and the city manager shall endorse the resolution approving the register of audited demands to signify there was proper processing of demands therein before the city council took action. (Ord. 2 § 1, 1982)~~

Chapter 3.16  
DEMANDS AND CLAIMS  
CLAIMS FOR MONEY OR DAMAGES

3.16.010 Claims for money or damages.

[from 3.16.010] As a prerequisite to bringing suit thereon against the city or any officer, department, commission or board of the city, any claim for money or damages (including claims which would otherwise be excepted by Section 905 of the Government Code) which is not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910), of the Government Code as those provisions now exist or shall hereafter be amended.

This section shall relate only to the bringing of suit upon any claim, and shall not be deemed to apply to the authority of the director of finance ~~and general services~~, the city council, and other officers to process and pay, in the ordinary course of business, the just obligations of the city, such as routine salaries and wages, principal and interest on bonds, payments for purchases and services, and other like expenditures for which there is an express budget appropriation, and in connection with which there is no dispute as to the obligation and amount being payable. (Ord. 2 § 1, 1982)

3.16.020 Authorization to act on claims [new].

In accordance with Section 935.4 of the California Government Code, the city council may authorize an employee of the city to perform the claim procedures and functions of the city subject to the limitation contained therein that the employee's ability to allow, compromise, or settle a claim against the city shall not exceed \$50,000 as that amount may be amended from time to time by Section 935.4 of the California Government Code or successor statute, and also subject to the policies and procedures adopted by resolution of the city council as may be amended from time to time.

SEE CHAPTER 3.15 DEMANDS FOR PAYMENT  
FOR INCLUSION OF SECTIONS 3.16.020 THROUGH 3.16.090

~~3.16.020 Auditing prerequisite to payment.~~

~~No payment shall be made from the city treasury or out of the funds of the city unless the demand which is to be paid is duly audited as prescribed in this chapter or by other provisions of law. (Ord. 2 § 1, 1982).~~

~~3.16.030 Forms—Blanks for demands.~~

~~Claims against the city shall be paid on demands on the treasury as provided in this chapter on forms to be prescribed by the director of finance and general services. (Ord. 2 § 1, 1982)~~

~~3.16.040 Departmental approval of claims.~~

~~Except for tort claims, every claim and demand received against the city shall be first presented to and approved in writing by the receiving department or office, which shall certify to the actual delivery or rendition of the supplies, materials, property or service for which payment is claimed; that the quality and prices correspond with the original specifications and contracts, if any, upon which the claim is based; that the demand in all other respects is proper and valid, and which shall further indicate the budgetary account to which the demand is to be charged. (Ord. 2 § 1, 1982)~~

~~3.16.050 Approval by director of finance and general services.~~

~~Each demand approved by the receiving department or office shall be presented to the director of finance and general services who shall satisfy himself whether:~~

- ~~A. The claim is legally due and owing by the city;~~
- ~~B. There are budgeted or otherwise appropriated funds available to pay the claim;~~
- ~~C. The claim conforms to a valid requisition or order;~~
- ~~D. The prices and computations shown on the claim are verified;~~
- ~~E. The claim contains the approval of other departments and officials as required. (Ord. 2 § 1, 1982)~~

~~3.16.060 Prepayment of demands.~~

~~A. Prepayment of demands prior to audit by the finance committee and the city council may be made by the director of finance and general services in conformity with the authority provided by Section 37208 of the Government Code.~~

~~B. Whenever the director of finance and general services determines that a refund is due of fees, taxes or other receipts collected in error or in advance of being earned, or of money the refund of which is otherwise due pursuant to specific provisions of this code or of any other ordinance of this city, then any such refund shall be deemed as conforming to the currently approved budget, and may be prepaid in the same fashion as other demands encompassed within the terms of subsection A of this section. (Ord. 2 § 1, 1982)~~

~~3.16.070 Register of demands.~~

~~Following audit of demands the director of finance and general services shall prepare a register of audited demands showing the claimant's name, amount of demand, the warrant~~

~~number and date thereof, and transmit the register to the city manager for his review and presentation to the finance committee and the city council, with his approval or other report. (Ord. 2 § 1, 1982)~~

~~3.16.080 City council approval.~~

~~The register of demands shall be presented to the city council at the next regular meeting thereof. The city council may by resolution approve, conditionally or partially approve or reject the register of demands and in connection therewith consider the recommendations of the finance committee and the city manager. (Ord. 2 § 1, 1982)~~

~~3.16.090 Record of approved demands.~~

~~Following approval of the register of demands by the city council, the chairperson of the finance committee and the city manager shall endorse the resolution approving the register of audited demands to signify there was proper processing of demands therein before the city council took action. (Ord. 2 § 1, 1982)~~

## Chapter 3.18 SPECIAL GAS TAX STREET IMPROVEMENT FUND

### **3.18.010 Created.**

To comply with the provisions of ~~Section 2113 of the Streets and Highways Code and to~~ To avail the city of ~~the~~its benefits of Sections 2106 and 2107 of ~~the California Streets and Highways Codesaid code~~, there is created ~~by ordinance in the city treasury~~a special fund ~~in the city treasury~~ to be known as the *special gas tax street improvement fund*. (Ord. 2 § 1, 1982)

### **3.18.020 Moneys included.**

All moneys received by the city from the state under the provisions of the California Streets and Highways Code for the acquisition of real property or interests therein, or for engineering, or for the construction, maintenance and improvement of streets or highways by the city shall be paid into the fund. (Ord. 2 § 1, 1982)

### **3.18.030 Expenditures.**

All moneys in the fund shall be expended exclusively for the purposes authorized by and subject to the provisions of the California Streets and Highways Code. (Ord. 2 § 1, 1982)

### **3.18.040 Fund Interest**

To comply with the provisions of Section 2113 of the California Streets and Highways Code, interest received by the city from the investment of money in the special gas tax street improvement fund shall be deposited in the fund and shall be used for street purposes.

DELETE THIS CHAPTER IN ITS ENTIRETY, SHOULD NEVER HAVE BEEN CODIFIED  
NOTE:

- Jun 1990 Measure Q – although Council adopted Ord 166, and 3 resolutions stating their intent to place this on the June 5, 1990 special election, there is no evidence in City records that it ever passed – no paper file, no reso of results, no minutes, no staff reports, no retraction. State & County election websites do not have access to records as old as 1990. Contacted County for election results and received an e-mail stating that Measure Q failed to get 66.6% of the vote (got 45.87%) so this Ordinance should never have been codified.
- Mar 2002 Measure B failed to get 66.6% of vote (got 64.38%) to levy a special tax upon each parcel for fire protection & paramedic services.
- Nov 2002 Measure M failed to get 66.6% of vote (got 64.14%) to levy a special tax upon each parcel for fire protection and paramedic services.

## ~~Chapter 3.19~~

### ~~SPECIAL TAX FOR FIRE PROTECTION AND PREVENTION~~

#### ~~3.19.010 Authority and adoption:~~

~~Pursuant to the authority contained in Government Code Sections 53970 et seq., a special tax for fire protection and prevention and related paramedic and community safety services is hereby levied within the city. (Ord. 166 § 1 (part), 1990)~~

#### ~~3.19.020 Levy of special tax—Amount:~~

~~The special tax for fire protection and prevention shall be levied on a class of improvement to property and use of property basis. Subject to the limitations set forth in Section 3.19.040, the amount of the special tax to be annually levied upon each parcel in the city shall be determined by multiplying the applicable equivalent dwelling unit factor set forth in Section 3.19.030 by the amount of the special tax for each equivalent dwelling unit as such amount is annually determined by the city council. (Ord. 166 § 1 (part), 1990)~~

#### ~~3.19.030 Determination of equivalent dwelling unit factor:~~

~~The following equivalent dwelling factors shall apply for each parcel in the city. Residential parcels with one dwelling unit shall have an equivalent dwelling unit factor of 1.0. Residential parcels with more than one dwelling unit shall have an equivalent dwelling unit factor of .75 for each dwelling unit on the parcel. Parcels with hotel developments shall have an equivalent dwelling unit factor of .6 per hotel unit, provided that commercial uses on such parcels shall have the same equivalent dwelling unit factor as other commercial parcels. Vacant parcels shall have an equivalent dwelling unit factor of .5 for parcels less than one acre. An additional .1 shall be added to the .5 minimum for each additional vacant acre on the parcel. Commercial and other nonresidential parcels shall have an equivalent dwelling unit factor of 3.0 or .0004 multiplied by the gross square footage of commercial buildings on the parcel, whichever is greater. (Ord. 166 § 1 (part), 1990)~~

#### ~~3.19.040 Voter limitation of maximum tax to be levied:~~

~~The maximum special tax that may be levied pursuant to this chapter for each equivalent dwelling unit shall not exceed ten dollars per month for each equivalent dwelling unit. (Ord. 166 § 1 (part), 1990)~~

~~3.19.050 Collection:~~

~~The special taxes levied pursuant to this chapter shall be collected by the county on behalf of the city in the same manner and subject to the same penalties for delinquencies as other taxes which are fixed and collected by the county. The county may deduct from the special taxes collected its reasonable costs incurred for such service before remittal of the balance to the city. (Ord. 166 § 1 (part), 1990)~~

~~3.19.060 Purpose—Revenue expenditure:~~

~~All of the revenues derived from the special tax levied pursuant to this chapter shall be paid into a special fund in the treasury of the city and shall be expended only for the purpose of obtaining, furnishing, operating and maintaining fire protection and prevention and related paramedic and community safety services. (Ord. 166 § 1 (part), 1990)~~

~~3.19.070 Exclusions and exemptions:~~

~~All federal, state, county and district owned property shall be exempt from the special tax to be levied pursuant to this chapter. (Ord. 166 § 1 (part), 1990)~~

## Chapter 3.28 BUSINESS LICENSES

### 3.28.010 ~~180~~ Definitions. (MOVED DEFINITIONS TO TOP & RENUMBERED)

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used in this chapter are defined as follows:

- A. **“Business” means professions, trades, occupations, gainful activities, and all and every kind of calling whether or not carried on for profit.**
- B. **“City” means the city of La Quinta, a charter city and municipal corporation of the state of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or reincorporated form.**
- C. **“Collector” means the city manager, or other city officer or employee charged with the administration of this chapter by the city manager.**
- D. **“Gross receipts” means the total amount of the sale price of all sales and total amount charged or received for the performance of any act or service of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part or in connection with the sale of materials, goods, wares, or merchandise. “Gross Receipts” apply to all such sales made in a fixed place of business within the city or without a fixed place of business in the city but from the delivery of any product or service to a location within the city. “Gross receipts,” as used in this chapter, shall mean the gross receipts of the calendar year preceding the beginning of the annual license period. Included in gross receipts shall be all receipts, cash, credits, and property of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service, costs, interest paid or payable, or losses or other expenses whatsoever. Excluded from gross receipts shall be the following:
  1. Cash discounts allowed and taken on sales;
  2. Credit allowed on property accepted as part of the purchase price and which property may later be sold;
  3. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
  4. Such part of the sale price returned by purchasers upon rescission of the contract of sale as is refunded either in cash or by credit;
  5. Amounts collected for others where the business is acting as an agent or trustee, to the extent that such amounts are paid to those for whom collected and provided the agent or trustee has furnished the collector with the names and addresses of the others and the amounts paid to them;
  6. That portion of gross receipts which has been the measure of a business license **tax** paid to any other city for sales transacted outside the city.**
- E. **“Peddler” means any hawker, vendor, or other person who goes from house to house or from place to place or in or along the streets within the city selling and making immediate delivery or offering for sale and immediate delivery any goods, wares, merchandise or anything of value in his possession to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities.**

- F. **“Person” means all domestic and foreign** corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common-law trusts, societies and individuals transacting and carrying on any business in the city other than as an employee.
- G. **“Renewal date” means the date listed for renewal on the permit.**
- H. **“Solicitor” means a person engaged in soliciting, canvassing, or taking orders from house to house or from place to place or by telephone, internet or by any other means of communication for any goods, wares, merchandise, or any article to be delivered in the future or for services to be performed in the future or making, manufacturing, or repairing any article whatsoever for future delivery or for subscriptions to periodicals or tickets of admission to entertainments or memberships in any clubs.**
- I. **“Sworn statement” means an affidavit sworn to before a person authorized to take oaths or a declaration or certification made under penalty of perjury.** (Ord. 400 § 1, 2004; Ord. 303 § 1, 1997; Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.020 010 Enforcement.

- A. The ~~city manager collector~~ shall have the responsibility and power to enforce the provisions of this chapter, and the police chief shall render such assistance in the enforcement thereof as may from time to time be required.
- B. The ~~city manager or his designee, collector~~ who may act through deputies or duly authorized assistants, may examine, or cause to be examined, all places of business in the city to ascertain whether the provisions of this chapter have been complied with.
- C. The ~~city manager or his designee, collector~~ who may act through deputies or duly authorized assistants, shall have the power and authority to enter, free of charge, at any reasonable time, any place of business required by the provisions of this chapter to be licensed and require an exhibition of the license certificate. Any person having such license certificate theretofore issued in his possession or under his control who wilfully fails to exhibit such certificate on demand shall be guilty of an infraction and subject to the penalties provided for by Section 1.01.230 of this code. (Ord. 31 § 1, 1983; Ord. 16 § 1, 1982)

#### 3.28.030 020 Business license required.

Subject to the provisions of this chapter, all businesses engaged in or carried on in the city shall pay for an annual business license fees in the amounts as provided in this chapter except where specific provisions are made for daily, monthly, quarterly or semi-annual payments pursuant to Sections 3.28.320 and 3.28.330 of this chapter. It is unlawful for any person to commence, transact, engage in, or carry on any business in the city without first having obtained and paid for a valid business license and paid the license fee therefor, or without complying with any and all applicable provisions of this chapter. Compliance with such requirements shall not be construed to be a condition precedent to engaging in any business or corporation within the city where the imposition of such a condition precedent would be contrary to law.

When any person shall by use of signs, circulars, cards, telephone book, electronic media or newspapers, advertise, hold out, or represent that s/he is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that s/he is in business in the city, and such person fails to deny by a sworn statement given to the collector that s/he is not

conducting a business in the city after being requested to do so by the collector, then these facts shall be considered prima facie evidence that s/he is conducting a business in the city. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.040 ~~030~~ License subject to other regulations and fees.

Persons required to obtain and pay for a business license ~~fee~~ for transacting and carrying on any business under this chapter shall not be relieved from the payment of any fees for the privilege of carrying on any similar or related activity required under any other ordinance of the city and shall remain subject to the regulatory provisions of other ordinances. No person shall be entitled to a business license and the collector shall not issue a business license to any person commencing business unless and until said person shall have complied with all applicable city ordinances. No license shall be issued covering any food or drink dispensing establishment, restaurant, pet hospital, pet shop, veterinarian, or kennel services until the applicant has obtained applicable permits and licenses clearance from the Riverside County department of health, and if applicable, from the State Alcoholic Control Board. No person shall be issued a business license without first obtaining a State Board of Equalization Seller's permit, if applicable, and adding the City of La Quinta as a sublocation. No license shall be issued covering the sale of firearms until the applicant has obtained applicable permits and licenses from the Riverside County Sheriff's department. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.050 ~~040~~ False statements.

It shall be unlawful for any person knowingly to make any false statement in any application for a license pursuant to the provisions of this chapter. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.060 ~~050~~ True names on reports.

Every person making out any report or record required by the terms of this chapter or any copy thereof shall sign his true name and give the true name and correct address of the licensee. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.070 ~~060~~ Illegal occupations.

A license granted pursuant to this chapter does not permit any occupation or activity of any kind which is prohibited by this code or any other ordinance, or by any state or federal statute, law, rule, order or regulation. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### ~~3.28.070 Refusing license.~~

~~Before the city manager collector denies any license either new or renewal, unless a hearing already has been held, s/he shall notify the applicant in writing that s/he intends to deny the license, and that the applicant may request a hearing before the city manager within five days after receipt of such notice. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)~~

#### 3.28.080 Grounds for denial.

- A. The city manager collector may refuse to issue a license to carry on any business, occupation or activity, if such business, occupation, or activity has been, will be, or is apt to become any one or more of the following:
1. Prohibited by any local ordinance or by any state or federal law, statute, rule or regulation;
  2. A public nuisance;
  3. In any way detrimental to the public interest;
  4. Prohibited by zoning laws and ordinances.
- B. A license may also be denied on the grounds that the applicant has knowingly made a false statement in a material matter either in his/her application or in his/her testimony before the

city manager\_ or other body hearing such testimony. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.090 Real party in interest.

The city council, city manager, collector, police department official, or other appropriate officer or body may examine under oath any applicant to determine who is the real party in interest in the business, occupation or exhibition for which a license is sought. If the city council or other body or official having jurisdiction is satisfied that the application is not in the interest of the person in whose name the application is made, it may deny the license. If the city council or such other body or official finds that the application is in the interest of one whose license has been revoked or who has been refused a license, it may treat the application as though made by the real party in interest, and the application shall have the same effect against any future applications as if it had been made in the name of the real party in interest. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.100 Grounds for revocation.

A license may be revoked on any one or more of the following grounds:

- A. Any facts exist upon which a denial of such license would be authorized;
- B. The licensee, or any agent or employee of the licensee has been convicted of violating any of the terms of this chapter, or any regulation imposed pursuant thereto, or of any state or federal law, statute, rule, order or regulation ~~of the state~~, now or hereafter in force regulating the occupation or other activity for which the license was issued;
- C. The licensee obtained the license by fraudulent misrepresentations;
- ~~D. If the license authorizes engaging in the business of repairing any property, such as radios, television, or vehicles, the licensee, or any agent or employee of the licensee has stolen, or been convicted of the theft of, such property or any part thereof;~~
- ~~E. The licensee has been guilty of, or has been convicted of, fraud, false advertising or other misrepresentation, including misstatement of the work done, such as (1) the installation of old, or secondhand parts and the charging for new parts, or (2) charging for parts not installed or any other misdealing, dishonesty, or wilful failure to comply with the terms of any contract made as a part of the exercise of the occupation or activity licensed;~~
- ~~F. The mutilation of any serial number, engine number, or other number or identifying mark on any property of other persons, handled by the licensee in the course of the licensed business;~~
- ~~DG.~~ Conspiracy with any person to do anything described in subsections A, B, or C, ~~D, E or F~~ of this section;
- ~~EH.~~ The failure or refusal of the licensee to notify the city manager of collector of any material change in facts concerning the license within thirty days after such change. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.110 Forfeiture of fee.

On revocation of the license, ~~no part of the money in the hands of the city shall be returned, but~~ the entire cost of the business license fee shall be forfeited to the city. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.120 New license after revocation.

When a license of any person is revoked for cause, no new or other license for the same or a similar business shall be granted to the same person within six months after such revocation. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.130 Keeping insurance etc., in force.

- A. Whenever this code requires the applicant for any license or permit to procure, post, or maintain in effect any bond, undertaking, deposit, surety, or policy of insurance, any license or permit so issued shall be in good standing only when such bond, undertaking, deposit, surety, or policy of insurance is in full force and effect. Such license or permit shall be automatically suspended without notice at any time such bond, undertaking, deposit, surety, or policy of insurance is not in full force and effect.
- B. If a new bond, undertaking, deposit, surety, or policy of insurance acceptable to the city manager collector if is filed before the cancellation or expiration of the old one becomes effective, the license or permit will continue in full force. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.140 Administrative enforcement.

- ~~A. Authority of the City Manager. The city manager, upon a hearing after giving the licensee five days' notice of the grounds for revocation or suspension, and the time and place of the hearing, and requiring him to show cause why his license should not be revoked, may revoke or suspend any one or more of the licenses held by such licensee. Within three days after his decision, the city manager shall notify the licensee thereof.~~
- ~~B. Appeals to the Council. Any person aggrieved by the decision of the city manager may appeal therefrom to the council in the manner provided in Sections 2.04.100 to 2.04.130.~~
- ~~C. Failure to Appeal. In the event no appeal is taken by the licensee, the decision of the city manager revoking or suspending such license shall become final and conclusive on the expiration of the time fixed for an appeal. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)~~

#### 3.28.140 ~~150~~ Compliance with laws required.

The payment for of a business license fee as required by the provisions of this chapter, and its acceptance by the city, and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of this code and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.150 ~~160~~ License and penalties constitute debt to city.

The charge amount for of any business license fee and penalty imposed by the provisions of this chapter shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent business license charges fee and penalties. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.160 ~~170~~ Remedies cumulative.

All remedies prescribed under this chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

#### 3.28.170 ~~190~~ Separate license for each place or type of business.

A separate license must be obtained for each branch establishment or location of the business transacted and carried on and for each separate type of business at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments; and provided further, that any person conducting two or more types of businesses at the same location and under the same management, or at different locations, but which businesses use a single set or integrated set of books and records may, at his option, pay only for one business license fee calculated on all gross receipts of the businesses under the schedule that applies to the type of business of such person which requires the highest payment on such gross receipts except that a business license charge fee of three dollars (\$3.00) for each additional branch, location, or type of business shall be paid. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.180 200 Information confidential.

The collector or any of his authorized representatives shall not make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain ~~a license~~ or pay for a business license fee under the provisions of this chapter or to divulge the amount or source of income, profits, losses, expenditures, or any particular thereof set forth in any statement or application, or to permit any statement or application, or copy of either, or any other document relating thereto which contains specific information as to the amount or source of income or expenditures of any person obtaining a license to be seen or examined by any person. ~~;- provided, that~~

~~N-~~Nothing in this section shall be construed to prevent the disclosure to or examination of records by another city agent for the sole purpose of administering or enforcing any of the provisions of this chapter or auditing of accounts of the collector, federal or state officials, or a grand jury or court of law upon subpoena or in a proceeding to determine the existence ~~or amount~~ of any business license fee liability amount of the particular licensee to the city; nor shall the disclosure of the names and addresses of persons to whom licenses have been issued and the general type of their business be prohibited hereunder, together with general statistics regarding the business license costs and business receipts fees collected or business done in the city. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.190 210 Exemptions — Generally.

A. Generally. Nothing in this chapter shall be deemed or construed to apply to any person transacting and carrying on any business exempt by virtue of the Constitution or applicable statutes of the United States or of the state of California. Any person claiming an exemption pursuant to this chapter shall file a ~~sworn statement~~ written declaration, under penalty of perjury with the collector stating the facts upon which exemption is claimed are true and correct and shall furnish such information and verification as may be required, such as a 501(C)3 form, DD-214 form, medical doctor verification, proof of gross receipts satisfactory to the Collector, IRS form 4506-T, etc. In the absence of such statement substantiating the claim, such person shall be liable for the payment ~~offor~~ the business license fee imposed by this chapter. The collector, after giving notice and a reasonable opportunity for hearing to a licensee, may revoke any license granted pursuant to the provisions of this section upon information that the licensee is not entitled to the exemption as provided in this chapter. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.220 Exemption — Charitable and nonprofit organizations.

B. Charitable and nonprofit organizations. The provisions of this chapter shall not be deemed or construed to require the payment ~~offor~~ a business license fee to conduct, manage or carry on any

business, occupation, or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any individual; nor shall any business license fee be required for the conducting of any entertainment, concert, exhibition, or lecture on scientific, historical, literary, religious or moral subjects within the city whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church or school or to any religious or benevolent purpose; nor shall any business license fee be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this code requiring a permit from the city council or any commission or officer to conduct, manage, or carry on any profession, trade, calling or occupation. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

~~3.28.230 Exemption—Disabled veterans.~~

C. Disabled veterans. No business license fee payable hereunder shall be payable by any person who has received an honorable discharge from or release from active duty in one of the United States armed services, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state. In addition to form DD214, the city may require any disabled veteran applying for an exemption to submit a certificate signed by a physician or surgeon substantiating the disability.

(Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

~~3.28.240 Exemption—Newspapers, magazines and periodicals.~~

D. Newspapers, magazines and periodicals. The provisions of this chapter shall not apply to the publication or sale of newspapers, magazines or other periodicals regularly issued at average intervals not exceeding three months. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

~~3.28.250 Exemption—Businesses subject to franchise, etc.~~

E. Businesses subject to franchise, etc. No business license shall be required of any public utility or other service organization which pays to the city a fee or tax under a franchise or similar agreement. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

~~3.28.260 Exemption—Limited income.~~

F. Limited income. No business license shall be required of a person doing business and drawing social security benefits whose gross receipts do not exceed the maximum income allowed by Title 42, U.S. Code, Sections 403(f)(3), as presently written or as amended. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

~~3.28.200 270 Fee adjustments required in cases of interstate commerce.~~

None of the business license charges fees provided for herein shall be so applied as to occasion an undue burden upon interstate commerce or be violative of the equal protection and due process clauses of the Constitution of the United States and the state of California. In any case where a business license charge fee is believed by a licensee or applicant for a license, to place an undue burden upon interstate commerce or be violative of such constitutional clauses, s/he may file an appeal with the City Manager pursuant to Chapter 2.08 of this Code. apply to the collector for an adjustment of the fee. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by sworn statement and supporting

~~testimony, show his/her method of business and the gross volume or estimated gross volume of business and such other information as the collector may deem necessary in order to determine the extent, if any, of such undue burden or violation. The collector shall then conduct an investigation, and after having first obtained the written approval of the city attorney, shall fix as the license fee for the applicant, an amount that is reasonable and nondiscriminatory; or if the license fee has already been paid, shall order a refund of the amount over and above the license fee so fixed. In fixing the license fee to be charged, the collector shall have the power to base the license fee upon any measure which will assure that the license fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the license fee as prescribed by this chapter. The collector may require the applicant to submit, either at the time of termination of applicant's business in the city, or at the end of each three month period, a sworn statement of the gross incomes from local sources upon which a license fee adjustment may be based; provided, that no additional license fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license tax as prescribed in this chapter. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)~~

### 3.28.210 280 Application—Contents of license.

Every person required to have a license, ~~or renewing a license~~ under the provisions of this chapter shall make application for the same to the collector ~~on forms provided by the collector~~, and upon the payment of the prescribed ~~business license charge~~ tax the collector shall, if appropriate, issue to such person a license which shall contain (1) the name of the person to whom the license is issued, (2) the business licensed, (3) the place where such business is to be transacted and carried on, (4) the date of the expiration of such license, ~~(5) a fictitious business statement if applicable, and (6)~~ such other information as may be necessary for the enforcement of the provisions of this chapter. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.220 290 Statement of gross receipts.

In all cases where the amount ~~foref~~ the ~~business~~ license ~~fee~~ to be paid is measured by gross receipts, ~~or is exempt based on gross receipts~~, the applicant for license shall furnish to the collector a sworn statement setting forth such information as is required and as may be necessary to determine the amount ~~foref~~ the ~~business~~ license ~~fee~~ to be paid by the applicant. Upon making application for the first license to be issued hereunder, or for a newly established business, a person shall estimate the gross receipts for the period to be covered by the license to be issued. Such estimate, if accepted by the collector as reasonable, shall be used in determining the amount ~~foref~~ ~~the business~~ license ~~fee~~ to be paid by the applicant. The applicant for the renewal of a license shall **submit to the collector a sworn statement setting forth such information concerning the applicant's business during the preceding year as may be required by the collector to enable him/her** to ascertain the amount ~~foref~~ the ~~business~~ license ~~fee~~ to be paid by the applicant. (Ord. 31 § (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.230 300 Statements not conclusive.

No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the collector, his/her deputies, or authorized employees of the city, who are hereby authorized to examine, audit, and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount ~~foref~~ ~~the business~~ license ~~fee~~ due. An inspection of books and records shall be made only when the ~~city manager~~ collector has determined that there is substantial necessity to do so in order to properly administer this chapter.

All licensees, applicants for licenses, and persons engaged in business in the city are hereby required to permit an examination of such books and records for the purposes aforesaid. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.240 310 Failure to file or failure to file a corrected statement.

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the collector s/he fails to file a corrected statement, the collector may determine the amount foref the business license fee due from such person by means of such information as s/he may be able to obtain. If such a determination is made, the collector shall give a notice of the amount so assessed by serving it in accordance with section 1.01.300 of this code. personally or by depositing it in the United States post office, postage prepaid, addressed to the person so assessed at his last known address. Such person may, within fifteen days after the mailing or serving of such notice, make application in writing to the city clerk for a hearing on the amount of the license fee. If such application is made, the city clerk shall cause the matter to be set for hearing before the city council. The city clerk shall give at least ten days' notice to such person of the time and place of hearing in the manner prescribed above for serving notices of assessment. The council shall consider all evidence produced, and shall make findings thereon, which shall be final. Notice of such finding shall be served upon the applicant in the manner prescribed above for serving notices of assessment appeal the decision to the city council in the manner provided in Section 2.04.100 to 2.04.130 of the Municipal Code. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.250 320 Appeals

Any person aggrieved by any decision of the collector or of any other city officer made pursuant to this chapter may request a hearing before the city manager in accordance with chapter 2.08. appeal to the city council pursuant to the provisions of Section 2.04.100 to 2.04.130 of this code.

### 3.28.260 330 Additional power of collector.

In addition to all other power conferred upon him/her, the collector shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the council, to power to compromise any claims as to amount foref the business license tax due. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.270 340 No license transferable—Amended license for changed location.

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefore and paying a processing fee of ten dollars (\$10.00) have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is-has or is to be moved. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.280 350 Duplicate license.

A duplicate license may be issued by the collector to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact and, at the time of filing such statement, paying a duplicate license processing fee of five dollars (\$5.00). (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

### 3.28.290 360 Posting and keeping licenses.

All licenses shall be kept and posted in the following manner:

- A. Any licensee transacting and carrying on business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.
- B. Any licensee transacting and carrying on business but not operating at a fixed place of business in the city shall keep the license upon his/her person at all times while transacting and carrying on such business in the city.

~~C. Any licensee using a motor vehicle in connection with his/her business shall affix on the vehicle in a location prescribed by the city manager collector, a decal or tag, to be furnished by the city, showing that a current license has been issued. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)~~

3.28.300 370 Method and time of payment.

Unless otherwise specifically provided, all annual amounts due for business licenses fees shall be due and payable on or before the renewal date. (Ord. 400 § 2, 2004)

3.28.310 380 Penalties for failure to pay fee when due.

For failure to pay for a business license fee when due, the collector shall add a penalty of ten percent (10%) of such business license charge fee on the first day of ~~f~~ each succeeding month after the due date thereof; provided, however, the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the business license charge fee due. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

3.28.320 400 and 410 Business License amounts fees based on vehicle weight —Persons without fixed place of business in city.

Every person not having a fixed place of business within the city and not being otherwise licensed or classified in this chapter, who delivers any product or service by the use of vehicles in the city, except taxicabs and passenger carriers, ~~except general and special construction contractors~~, shall pay for a business license fee as follows:

- A. Delivers any product or service in the city by the use of vehicles – amounts based on vehicle weight as follows:

| Capacity:                          | Rate per Vehicle: |
|------------------------------------|-------------------|
| Not exceeding one-half (½) ton     | \$15.00           |
| One-half (½) to two (2) tons       | \$25.00           |
| Over two (2) ton to three (3) tons | \$50.00           |
| Over three (3) tons                | \$75.00           |

- B. Operates a mobile or occasional business – flat rate based on type of use as follows:

- 1. Advertising.

- A. ~~Billboards, signs not fixed on places of business: \$100.00 per structure or sign.~~

- Ba. Distributing handbills: \$100.00 annually, or \$50.00 monthly, or \$25.00 daily.

- Cb. Sound trucks: \$200.00 annual fee per truck, or \$50.00 daily fee per truck.

- Cc. Klieg lights: \$150.00 per year per light, or at licensee's option, \$15.00 per day per light.

- 2. Auctioneers. ~~Auctioneers not having a fixed place of business in the city.~~ \$250.00 per year, or at the option of the licensee, \$25.00 per day.

- 3. Carnivals, Fairs. \$200.00 for the first day and \$150.00 for each additional day, for the first ten or fewer concessions; plus \$30.00 for the first day and \$20.00 for each additional day for

each concession in excess of ten. For the purpose of this section, concession shall be any amusement ride, booth, exhibit, stall, tent, trailer, or stand which charges any fee for the ride, service or product offered.

4. Circuses. \$200.00 per day.

5. Commercial Filming and Still Photography. On city streets or other city property, as follows:

| Persons Employed at Location: | Rate per Day: |
|-------------------------------|---------------|
| 1-3                           | \$100.00      |
| 4-6                           | \$200.00      |
| 7-9                           | \$400.00      |
| 10 and over                   | \$600.00      |

Traffic-control costs or any additional costs as required by the chief of police shall be paid entirely by the applicant.

6. Contractors and subcontractors. Every person engaged in the business of contracting which requires a state contractors' license shall pay a business license as follows:

Aa. General contractors, \$100.00 annually ~~fee~~;

Bb. Subcontractors, \$50.00 annually ~~fee~~;

Cc. Business licenses for general contractors and subcontractors may be obtained semi-annually for half the annual rate.

7. Peddlers or Solicitors.

a. Principal, \$200.00 annually;

b. Each additional solicitor or peddler, \$10.00 quarterly.

8. Sales Representatives. Every person engaged in the business of solicitor of order for sales or services by a nationally franchised business (such as AVON) wherein solicitation only occurs by previous appointment shall pay ~~a business license fee of~~ \$25.00 per year.

Every person not having a fixed place of business within the city who engages in business within the city and is not subject to the provisions of this section, such as consultants or others providing a professional service, shall pay for a business license ~~fee~~ at the same rate prescribed in this chapter for persons engaged in the same type of business from and having a fixed place of business within the city. Any person not having a fixed place of business within the city and subject to a business license rate based on gross receipts shall calculate gross receipts in accordance with Section 3.28.010(D) and provide statements in accordance with Section 3.28.220.

~~3.28.330 390 and partial 410 License fees based on use and gross receipts~~ Persons with fixed place of business in city.

A. Passive-type businesses – flat rate based on type of use as follows:

1. Billboards. Signs not fixed on places of business: \$100.00 per structure or sign per year.

2. Living Accommodations. Every person transacting or engaged in the rental of four or more dwelling units in any apartment house, rooming house, houses for rent, or other living accommodations shall pay ~~an annual fee of~~ \$12.00 annually per unit, provided that hotels and motels shall be on the gross receipts basis, Class B.

3. Mobile Home, Trailer, and Recreational Vehicle Parks. \$12.00 per space per year.

4. Coin-operated machines. Every person operating one or more vending machine, coin-operated amusement device, shuffleboard, juke box, electronic game or other similar device, shall pay for a business license ~~fee~~ based on the entire gross receipts from all of such machines operated within the corporate limits of the city in accordance with the schedule set forth in Section 3.28.330 subsection B, Class B.

B. Every person who engages in business at a fixed place of business within the city shall pay for a business license ~~fee~~ based upon gross receipts at the following rates and in the following classifications:

| Gross Receipts Range   | Rate Class A | Rate Class B | Rate Class C |
|------------------------|--------------|--------------|--------------|
| 0 – 25,000             | 15.00        | 18.00        | 21.00        |
| 25,001 – 50,000        | 25.00        | 30.00        | 36.00        |
| 50,001 – 100,000       | 30.00        | 36.00        | 43.00        |
| 100,001 – 250,000      | 46.00        | 55.00        | 66.00        |
| 251,000 – 500,000      | 76.00        | 90.00        | 108.00       |
| 500,001 – 750,000      | 114.00       | 135.00       | 162.00       |
| 751,000 – 1,000,000    | 150.00       | 180.00       | 216.00       |
| 1,000,001 – 2,000,000  | 400.00       | 500.00       | 600.00       |
| 2,000,001 – 3,000,000  | 500.00       | 625.00       | 750.00       |
| 3,000,001 – 4,000,000  | 600.00       | 750.00       | 900.00       |
| 4,000,001 – 5,000,000  | 700.00       | 875.00       | 1,050.00     |
| 5,000,001 – 10,000,000 | 1,000.00     | 1,250.00     | 1,500.00     |
| 10,000,001 and up      | 1,500.00     | 1,875.00     | 2,250.00     |

#### CLASSIFICATIONS

##### Class A

- Automobile repair, services and gas stations
- Home-based food and/or beverage businesses, for profit
- Laundry, dry cleaning, and garment services
- Manufacturing not listed in Classes B or C
- Retail trade not listed in Classes B or C
- Wholesale trade not listed in Classes B or C

##### Class B

- Amusement and recreation services, including motion pictures
- Architectural and design services
- Automotive sales
- Barbers and hairstylists
- Beauty shops and nail salons
- Childcare providers
- Cleaning services
- Coin-operated and vending machines
- Engineering services
- Hotels and motels
- Landscape and horticultural services
- Maintenance and handyman services
- Operators, renters, and lessors of commercial and residential property
- Restaurants and eating and drinking establishments
- Secretarial and notarial services
- Services to buildings and pools
- Storage facilities

All other persons engaged in business not specifically listed elsewhere in this chapter

##### Class C

- Accounting, auditing, and bookkeeping services
- Consultants and other professional service providers
- Financial services
- Insurance brokers and services

Legal services

Management services and public relations services

Medical and health services, including eldercare, massage and personal trainers

Real estate agents, brokers, managers, and services, including property management

Travel consultants and travel services

3.28.340 (was part of section 410) Taxicabs and passenger carriers.

A. All passenger carriers described in section 5.40.010 subsection A and subject to chapter 5.40 shall, in addition to all other requirements, comply with the franchise, license, permit, and contract requirements established by Sunline Transit Agency and Sunline Services Group. In the event that the city takes official action to no longer be a member of the Sunline Transit Agency or Sunline Services Group, or the city takes official action to no longer be a party to the Implementation Agreement Authorizing the Sunline Services Group to Regulate Taxicabs, or both, then all passenger carriers described in section 5.40.010 subsection A and subject to chapter 5.40 shall remain subject to and governed by all ordinances, resolutions, regulations, and other official actions then in place, including the provisions for the annual business license amounts for **taxicab operators' licenses and taxicab vehicles**, set by Sunline Transit Agency and Sunline Services Group, except that the city shall be the governing agency with jurisdiction over the passenger carriers.

B. In the event that passenger carriers described in section 5.40.010 subsection A are found, by any governmental entity with competent jurisdiction, to no longer be subject to and governed by the ordinances, resolutions, regulations, and other official actions then in place by Sunline Transit Agency and Sunline Services Group at the time the city becomes the governing agency pursuant to subsection A of this section, then notwithstanding any other provision in this code, the annual business license amounts for **taxicab operators' licenses and taxicab vehicles** shall be the fees originally adopted by La Quinta Ordinance No. 31, which are:

1. **Taxicab operator's license, \$60.00 annually**
2. Taxicab vehicles, per vehicle, \$25.00 annually

3.28.350 ~~430~~ Waiver or reduction of taxes or penalties by city council.

The city council, for good and satisfactory cause shown, may order the issuance of a **business** license for less than the **charge fees** herein provided or without **any the** payment **of any fee** whatsoever. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

3.28.360 ~~440~~ Rules and regulations.

The collector may make such rules and regulations not inconsistent with the provisions of this chapter as may be necessary or desirable to supplement or clarify such provisions or aid in their enforcement. Such rules and regulations shall be known as BUSINESS LICENSE RULES AND REGULATIONS, shall be placed in written form and numbered consecutively, and shall be approved by the city attorney before becoming effective. A copy of each such BUSINESS LICENSE RULES AND REGULATIONS shall be filed ~~with the city manager and~~ with the city clerk. (Ord. 31 § 1 (part), 1983; Ord. 16 § 1 (part), 1982)

Delete this Chapter. It has been incorporated into 3.12 PURCHASES AND CONTRACTS

## Chapter 3.30 PUBLIC WORKS CONTRACT

### 3.30.010 Solicitation and selection criteria:

- A. Contracts for public works projects, as defined in Section 20161 of the California Public Contract Code, shall be awarded to the lowest responsible bidder.
- B. The city council may, by resolution, prescribe specific procedures and rules governing the solicitation of bids and award of contracts for public works projects. (Ord. 315 § 4 (part), 1998)

### 3.30.020 Solicitation and selection for major public works projects:

- A. Bids shall be solicited by invitation published in a generally recognized source of local public works contract information.
- B. Bids shall be publicly opened and announced at a time and place stated in the published invitation for bids.
- C. Contracts shall be awarded by the city council. (Ord. 315 § 4 (part), 1998)

### 3.30.030 Solicitation and selection for minor public works projects:

- A. Bids shall be solicited by written or verbal invitation or as specified in Section 3.30.020A, or a combination thereof, and shall obtain, whenever feasible, at least three competitive bids.
- B. The city council may by resolution authorize the award and execution of contracts by the city manager and department directors.
- C. The department administering the contract shall keep written records of proposals and contracts for a period of one year following the award of contract. (Ord. 315 § 4 (part), 1998)

### 3.30.040 Contract incentives:

Contracts for public works projects may include monetary or other incentives for superior performance or early completion of the work. (Ord. 315 § 4 (part), 1998)

### 3.30.050 No prevailing wage requirement:

The city shall impose no prevailing wage requirement. (Ord. 315 § 4 (part), 1998)

### 3.30.060 Applicability of other state contract code requirements:

With the exception of local procedures and rules set forth in this chapter and resolutions adopted pursuant thereto, public works projects shall conform with state requirements for public works projects. (Ord. 315 § 4 (part), 1998)

### 3.30.070 Exceptions to the procedures prescribed in this chapter:

- A. Contracts utilizing funding or other participation from agencies which require conformance with state, federal or other contracting regulations shall be exempt from provisions of this chapter, and any resolutions established pursuant thereto, which would jeopardize the availability of the funding or participation.

- ~~B. Solicitation of bids for design/build projects may be by direct invitations to qualified contractors. Selection of firms for such projects may consider the quality of the services offered. In all other respects the solicitation, selection and award of contracts for design/build projects shall conform with the provisions of this chapter.~~
- ~~C. The city council may authorize the award and execution of contracts for public works projects without competitive bidding provided that such award is in the best interest of the city or of the public health, safety and welfare.~~
- ~~D. The city manager may authorize the solicitation, selection, award, and execution of contracts for public works projects by the most expeditious method where time is of the essence to prevent an emergency lack of critically needed services. If the contract is for a major public works project, it shall be submitted for ratification at the next regular city council meeting.~~
- ~~E. The city council may, by resolution, establish local contractor preference advantages in the award of contracts for public works projects. (Ord. 315 § 4 (part), 1998).~~

Delete this chapter. It has been incorporated into

## 3.12 PURCHASES AND CONTRACTS

### Chapter 3.32 SERVICE CONTRACTS

#### 3.32.010 Solicitation and selection criteria:

A. Solicitation and selection of professional services of private architectural, landscape architectural, professional engineering, environmental, land surveying, and construction project management firms shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and on fair and reasonable prices. Where the city manager or department director determines that the particular services required are of a technical nature and involve little professional judgement, solicitation and selection shall comply with subsection B of this section.

B. Solicitation and selection of firms for services other than those specified in subsection A of this section shall be on the basis of the most advantageous proposal after consideration of qualifications, demonstrated competence, cost, delivery time, and other factors.

C. The city council may, by resolution, prescribe specific procedures, rules and regulations governing the solicitation and selection of firms. (Ord. 315 § 5 (part), 1998)

#### 3.32.020 Contracts for major services:

A. Solicitation of firms shall be by written or published requests for competitive proposals.

B. Proposals shall be reviewed and ranked by a selection committee composed of members competent to judge the qualifications of firms for the category of services to be provided.

C. Contracts shall be awarded by the city council. (Ord. 315 § 5 (part), 1998)

#### 3.32.030 Contracts for minor services:

A. Solicitation of firms shall be by verbal, written or published requests for, whenever feasible, at least three competitive proposals.

B. The city manager or department director may review and rank proposals.

C. The city council may by resolution authorize the award and execution of minor contracts by the city manager and department directors.

D. The department administering the contract shall keep written records of proposals and contracts for a period of one year following the award of contract. (Ord. 315 § 5 (part), 1998)

#### 3.32.040 Contract incentives:

Service contracts may include monetary or other incentives for superior performance or early completion of the services rendered. (Ord. 315 § 5 (part), 1998)

#### 3.32.050 Exceptions to the procedures prescribed in Sections 3.32.010 to 3.32.030:

A. Contracts utilizing funding or other participation from agencies which require conformance with state, federal or other contracting regulations shall be exempt from

~~provisions of this chapter, and any resolutions established pursuant thereto, which would jeopardize the availability of the funding or participation.~~

~~B. Solicitation and selection of firms and award of contracts for public works design/build projects shall not be subject to the provisions of this chapter.~~

~~C. The city council may authorize award and execution of service contracts with no competitive proposals where experience with the proposed service provider has demonstrated competence and satisfactory performance or in the renewal or renegotiation of existing contracts for continuing services.~~

~~D. The city manager may authorize the solicitation, selection, award, and execution of service contracts by the most expeditious method where time is of the essence to prevent an emergency lack of critically needed services. If the contract is for major services, it shall be submitted for ratification at the next regular city council meeting. (Ord. 315 § 5 (part), 1998)~~

