

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 27.30.080 OF CHAPTER 27.30 OF TITLE 27 OF THE SAN JOSE MUNICIPAL CODE TO REMOVE THE REQUIREMENT THAT THE CITY COUNCIL MUST APPROVE ANY CHANGE ORDER THAT RESULTS IN EXTENDING THE COMPLETION DATE OF A PROJECT BY MORE THAN 180 DAYS BEYOND THE ORIGINAL COMPLETION DATE

WHEREAS, the San José City Council ("City Council") desires to amend Section 27.30.080 of Chapter 27.30 of Title 27 as set forth in the staff memorandum dated November 4, 2021; and

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

Section 27.30.808 of Chapter 27.30 of Title 27 of the San José Municipal Code is hereby amended to read as follows:

27.30.080 Director's Authority.

The Director has the authority to negotiate, execute and issue a Change Order or Directed Change Order that meets each of the following requirements:

- A. The Change Order or Directed Change Order amount, when aggregated with the amount of all previously issued Change Orders and Directed Change Orders for the Public Works Contract or work order, does not exceed the contingency; and
- B. ~~The Change Order or Directed Change Order does not extend the completion date by more than 180 Calendar Days; and~~
- C. If the Change Order or Directed Change Order alters the scope of work, it complies with the requirements of [Section 27.30.100](#) or [27.30.110](#), whichever is applicable.

PASSED FOR PUBLICATION of title this _____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk