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4. An ordinance amending Ordinance Nos. 86-126 and 87-030, relating to use of City facilities by, and deposit or investment of City funds in or with businesses, firms or financial institutions which are organized under the laws of South Africa or Namibia, have business operations in South Africa or Namibia, or have business arrangements with South Africa or Namibia restricting the purchase of commodities produced in South Africa or Namibia, and providing for selective purchase of products.

Staff report to follow.

# ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING ORDINANCE NO. 86-126  
AND 87-030, RELATING TO USE OF CITY  
FACILITIES BY, AND DEPOSIT OR INVESTMENT  
OF CITY FUNDS IN OR WITH BUSINESSES,  
FIRMS OR FINANCIAL INSTITUTIONS WHICH ARE  
ORGANIZED UNDER THE LAWS OF SOUTH AFRICA  
OR NAMIBIA, HAVE BUSINESS OPERATIONS IN  
SOUTH AFRICA OR NAMIBIA, OR HAVE BUSINESS  
ARRANGEMENTS WITH SOUTH AFRICA OR NAMIBIA  
RESTRICTING THE PURCHASE OF COMMODITIES  
PRODUCED IN SOUTH AFRICA OR NAMIBIA, AND  
PROVIDING FOR SELECTIVE PURCHASE OF PRODUCTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

## SECTION ONE.

Section One of Ordinance No. 86-126, as amended by Ordinance No. 87-030, is amended to add subsections (o) and (p), to read as follows:

(o) "Facility Owned or Operated by the City" shall mean and include any building or real property which is owned, leased or rented by the City of Sacramento or any of its agencies or departments, and which, in whole or in part, is used by or is offered for use by individuals or groups, for consideration or otherwise.

(p) "Concessionaire" shall mean and include a business firm which is the owner, operator or holder of the right or privilege, by agreement with the City, to operate a business within, or provide services within, a facility owned or operated by the City.

## SECTION TWO.

Sections 6, 7, 8, 9, 10 and 11 of Ordinance No. 86-126, as amended by Ordinance No. 87-030, are renumbered to sections 7, 8, 9, 10, 11 and 12, respectively.

SECTION THREE.

A new section 6 is added to Ordinance No. 86-126, as amended by Ordinance No. 87-030, to read as follows:

SECTION 6. Facilities Owned or Operated by the City;  
Concessionaires.

(a) Prohibited Transactions

(1) No facility owned or operated by the City shall be rented, leased, or utilized by:

(i) any business firm organized under the laws of South Africa or Namibia; or

(ii) any business firm which has business arrangements with or has business operations in South Africa or Namibia.

(2) The City shall not enter into any agreement with any concessionaire, if the concessionaire is:

(i) a business firm organized under the laws of South Africa or Namibia; or

(ii) a business firm which has business arrangements with or business operations in South Africa or Namibia.

(3) No business firm which is a concessionaire in or which has rented, leased or which utilizes a facility owned or operated by the City shall subcontract with, sublet, to, license or otherwise allow another business firm to utilize the facility owned or operated by the City, if such other business firm would be disqualified under subsection (a)(1) or (a)(2) above.

(b) Contract Stipulation Required

Each agreement with a business firm for the rental, lease or utilization of a facility owned or operated by the City, and each concessionaire agreement pertaining to a facility owned or operated by the City, shall contain: (i) a provision which shall be a material condition of the agreement, stipulating that the business firm is not one covered by the prohibitions specified in subparagraph (a) above; and (ii) a provision which shall be a material condition of the agreement, stipulating that the business firm shall not, and has not agreed to subcontract with, sublet to, license, or otherwise allow another business firm to utilize the facility owned or operated by the City if such

other business firm would be disqualified under subsection (a)(1) or (a)(2) above.

(c) Waiver

The prohibitions of subsection (a) shall not apply if the City Manager, in his or her discretion, finds that:

- (1) no other business firm is available which is capable of satisfactorily performing the desired function, or
- (2) the City will incur a significant financial loss as a consequence of the prohibitions contained in this ordinance.

In such event, the City Manager shall endeavor to select that business firm which best meets the following two criteria:

- (1) maintains policies that conform to the greatest extent with the intent of this ordinance, and
- (2) is most capable of providing a level of service equal to that which the City could have received if the prohibitions of this section had not been enacted.

The City Manager shall periodically report to the City Council each and every exercise of waiver implemented pursuant to this subsection. The City Manager shall within 120 days from the date of adoption of this ordinance develop rules and regulations which specifically address both the criteria and reporting procedures. Such rules and regulations shall be approved by the City Council.

(d) Compliance

Subsections (a) and (c) of this section shall become operative one hundred twenty (120) days after the date of adoption of this ordinance.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK