

DEPARTMENT: County Counsel BY: Thomas P. Guarino PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

8-9-05 ( ) Waive First Reading and Introduce Ordinance 8-23-05 ( ) Waive Second Reading and Adopt Ordinance amending Chapter 3.08 of the Mariposa County Code entitled "Purchasing".

The intent of the amendment to Chapter 3.08 "Purchasing" is to make the purchasing process more understandable to all and to provide the County Administrative Officer with the ability to renew or enter into routine or low dollar value contracts for which the Board has previously provided funding in the County's budget. The additional provisions will also allow for the Assistant Purchasing Agents to enter into small contracts for services under \$1,000 for which monies have already been budgeted.

It is the intention of these revisions that the Board agenda will be cleared of minor or routine contracts.

The revisions also allow for leasing of property pursuant to Government Code Section 25350.51 for which funding is provided in the County's budget.

This process of revising the Purchasing Code has been conducted over approximately the last 8-10 months. Early versions of the draft proposal were provided to each department, these were updated and revised, a discussion was held at the department head staff meeting in February of 2005. Additional comments and suggestions were incorporated, including comments and suggestions from the Auditor.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Ordinance No. 649 was adopted by the Board in 1986 establishing Chapter 3.08 of the Mariposa County Code entitled "Purchasing".

In 1990 Ordinance No. 761 was adopted by the Board amending Chapter 3.08 to insert a new Section 3.08.070 entitled "Purchases by Bidding".

The Board directed County Counsel to proceed with such revisions and the scope of revisions desired by amending Chapter 3.08.

Financial Impact? ( ) Yes (x) No	Current FY Cost: \$	Annual Recurring Cost: \$
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded		
Amount in Budget: \$		List Attachments, number pages consecutively
Additional Funding Needed: \$		
Source:		First Reading of Ordinance
Internal Transfer		Second Reading of Ordinance
Unanticipated Revenue	_____ 4/5's vote	
Transfer Between Funds	_____ 4/5's vote	
Contingency	_____ 4/5's vote	
( ) General ( ) Other		

CLERK'S USE ONLY:

Res. No.: \_\_\_\_\_ Ord. No. 1022  
Vote - Ayes: 5 Noes: \_\_\_\_\_  
Absent: \_\_\_\_\_  
(x) Approved  
( ) Minute Order Attached ( ) No Action Necessary

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended  
 No Opinion  
Comments:  
\_\_\_\_\_  
\_\_\_\_\_

The foregoing instrument is a correct copy of the original on file in this of

Date: \_\_\_\_\_

Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California

By: \_\_\_\_\_  
Deputy

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CAO: *[Signature]*

**MARIPOSA COUNTY ORDINANCE NO. 1022**

**AN ORDINANCE AMENDING CHAPTER 3.08  
ENTITLED "PURCHASING"  
OF THE MARIPOSA COUNTY CODE**

**WHEREAS**, the Board of Supervisors of the County of Mariposa desire to amend Chapter 3.08 entitled "Purchasing" of the Mariposa County Code; and

**WHEREAS**, amending Chapter 3.08 will make the purchasing process more understandable to all and will provide the County Administrative Officer with the ability to renew or enter into routine or low dollar value contracts for which the Board of Supervisors has previously provided funding in the County's budget; and

**WHEREAS**, the additional provisions will allow for the Assistant Purchasing Agents to enter into small contracts for services under \$1,000 for which monies have already been budgeted;

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY**, a political subdivision of the State of California, does ordain as follows:

**SECTION I:**

**3.08.010 Purpose.**

The purpose of this chapter is to adopt policies and procedures governing purchases of materials, supplies, furnishings, equipment, livestock and other personal property, and contractual services by the county in accordance with Article 7 of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code. This chapter is not intended to conflict with applicable provision of state law and shall be interpreted as supplementary thereto.

**3.08.020 Definitions.**

As used in this chapter:

A. "Agency" and "using agency" means any of the departments, offices, or other organizational units of the county government, and any special districts whose affairs and funds are under the supervision and control of the Board of Supervisors and/or for which the Board of Supervisors is the ex officio governing body.

B. "Contractual services" means any and all telephone, gas, water, electric light and power services; the rental of equipment and machinery; insurance; the services of attorneys, physicians, electricians, plumbers, engineers, consultants, auditors, general contractors, or other individuals or organizations possessing a high degree of technical skill; and all other types of agreements under which the contract provides services which are required by the county government. All contracts shall be approved as to form by County Counsel. Purchase of expert services for County Counsel and the District Attorney, contracts to print legal briefs or legal notices required by statute, resolution or ordinance, and space for legal advertising shall not be subject to the provisions of this chapter to the extent funds are budgeted for such expenses or as otherwise approved by the Board of Supervisors.

**3.08.030 Purchasing agent and assistant purchasing agents.**

Pursuant to California Government Code Section 25500 the Board of Supervisors appoints the County Administrative Officer as purchasing agent for Mariposa County. The County Administrative Officer shall serve as the purchasing agent for Mariposa County, at the pleasure of the Board. Each department head of the County of Mariposa, or the acting department head shall serve as assistant purchasing agents for purposes of their respective budgets only. The Board shall have the authority to appoint, by resolution, other assistant purchasing agents.

**3.08.040 Duties and authorities of the purchasing agent.**

The purchasing agents shall purchase for the county and its offices all materials, supplies, furnishings, equipment, livestock and other personal property. The purchasing agent may further rent for the county and its offices furnishings and livestock. Pursuant to Government Code Section 25350.51 the purchasing agent may also contract for the lease of real property or storage space where the funding is provided in the approved budget. The purchasing agent shall make purchases, rentals, and contracts only upon proper written requisition, lease or contract. No contract, purchase order, requisition, or lease by the purchasing agent shall be for a term longer than one year unless approved by the Board of Supervisors..

**3.08.050 Authority of assistant purchasing agents.**

Assistant purchasing agent's authority shall be limited to the purchase of items and services which are contained in the assistant purchasing agents' approved budget. Assistant purchasing agents are not authorized to lease real property or storage space without the purchasing agent's approval. The assistant purchasing agent's authority to contract for services is limited to one thousand dollars (\$1,000). Such purchases shall not need approval of either the purchasing agent or the Board of Supervisors, unless specifically required by the Board of Supervisors. The Board of Supervisors shall retain final authority for all purchases. However, any single item or interrelated items purchased by an assistant purchasing agent, in excess of three thousand dollars (\$3,000) shall be approved by the purchasing agent and the Board of Supervisors prior to purchase. Interrelated items and services shall not be purchased in increments of less than three thousand dollars (\$3,000) or one thousand dollars (\$1,000) for services for the purpose of avoiding the requirements contained herein. Splitting or separating purchases of goods or services for purposes of circumventing the limits herein is prohibited. The assistant purchasing agents shall purchase items at the best possible price, giving due consideration to the use and quality of the item being purchased.

**3.08.060 Procedure for purchases by purchasing agent and assistant purchasing agents.**

All purchases by either the purchasing agent or assistant purchasing agents shall be accomplished by virtue of a written invoice received from the seller, a purchase order, or contract. Each invoice, purchase order, or contract shall be signed and approved by the purchasing agent, or assistant purchasing agent prior to forwarding any request to the Auditor's office for payment of the item(s) purchased, and shall contain an itemization of the item(s) purchased, date of purchase, the price of the item(s) and terms of the purchase. Any request for payment not accompanied by an invoice and approved, in writing, by either the purchasing agent or the assistant purchasing agent will be returned without action by the Auditor. Any and all

non-services purchases in excess of \$3,000 shall require the written approval of the purchasing agent and the Board of Supervisors prior to any request being forwarded to the Auditor's office for payment. No purchase order shall be issued until the County Auditor shall have certified that sufficient money is available in the proper budgeted fund of the department to pay for the purchase. Failure to forward such written approval to the Auditor will result in the request being returned without action by the Auditor.

**3.08.070 Purchases by Board of Supervisors.**

The purchasing agent and each assistant purchasing agent shall submit to the Board of Supervisors, in writing, requests for purchase of any items in excess of \$3,000. When in its judgment the public interest requires, the Board of Supervisors may purchase, require bidding as allowed or otherwise required by law, or otherwise acquire such items on the open market at the lowest available price for the quantity and quality of item and/or service required. When bidding is required bids shall be solicited by public notice except where the Board of Supervisors makes a finding recorded in its minutes that competitive bidding would not be in the public interest. The method and extent of public notice shall be prescribed by the Board of Supervisors. All bids shall be submitted sealed to the department within the county which solicited the bids. All bids shall be opened by the appropriate department head at the time and place noted in the public notice for the opening of the bids. The time and place of the bid opening shall additionally appear on the Board of Supervisors' agenda prior to the opening of the bids. The appropriate department head may reject any or all bids for all or any portion of the items bid. A tabulation of all bids received, whether accepted or rejected, shall be open for public inspection for a period of not less than thirty (30) days after the bid opening. In all cases, the award shall be made by the appropriate department head to the lowest responsible bidder, the appropriate department head shall take into consideration the quality of the item offered and its conformity with the specifications, the delivery and discount terms and conditions of the bid, service of item, and other information and data required. All bids shall require final approval by the Board of Supervisors and shall be placed on the routine agenda immediately after approval by the appropriate department head. No purchase or authorization to proceed shall be entered into by the appropriate department head until final approval by the Board of Supervisors of the bid award. This section shall not apply to labor, materials or equipment for public construction projects unless the requirements specified in this Title for such projects have been satisfied. Nothing contained herein shall alter the purchasing procedures required by state or federal law.

**3.08.080 Bulk purchasing.**

The Board of Supervisors may purchase supplies and equipment in bulk for the use and benefit of all departments of the county. If the Board of Supervisors engages in such purchases in bulk, each department shall be required to obtain its materials and supplies, if available, from the supplies and equipment purchased in bulk by the Board of Supervisors.

**3.08.081 Surplus property.**

Any item no longer required by any agency shall annually be reported to the county purchasing agent. The purchasing agent shall annually report such items to the Board of Supervisors. Upon determination by the Board of Supervisors that such items are no longer required for public use the county purchasing agent may by direct sale or otherwise, sell, lease, or dispose of any personal property belonging to the county not required for public use. Funds

recovered from the sale, lease, or disposal of surplus property shall be deposited in the General Fund of the County.

**3.08.090 Contractual services.**

All requests by a using agency for contractual services require a written contract. The purchasing agent shall have authority to approve contracts for services up to \$10,000 not exceeding a term of one year. All requests by a using agency for contractual services in excess of ten thousand dollars (\$10,000) shall be submitted to the Board of Supervisors for approval. The Board of Supervisors may negotiate contracts for any services as it determines is necessary.

**3.08.100 Gratuities--Disciplinary action.**

The acceptance of any gratuity in the form of cash, merchandise, or any other thing of value by an official or employee of the county from a vendor or contractor, or prospective vendor or contractor unless otherwise allowed by state or federal law, is prohibited and shall be cause for disciplinary action.

**3.08.110 Unlawful purchases.**

Except as otherwise provided by law, no purchase of supplies, equipment, or contractual services shall be made in excess of the amount of the appropriations allowed by the budget.

**3.08.120 Selection of professional services firms.**

In selecting and contracting for private architectural, professional engineering, environmental, land surveying, and construction project management services, the Board of Supervisors shall use as a basis for the selection demonstrated competence and qualifications for the types of services to be performed in conjunction with assurances of fair and reasonable prices to the County of Mariposa. All contracts for professional services shall be approved as to form by County Counsel. (California Government Code Section 4526).


**3.08.130 Violation of chapter 3.08.**

The Board of Supervisors may require any county officer or employee to personally pay for any items purchased in violation of the purchasing requirements of Chapter 3.08.

**SECTION II:** This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code Section 25123.

**PASSED AND ADOPTED** by the Board of Supervisors of Mariposa County this 23<sup>rd</sup> day of August 2005 by the following vote:

AYES: Stetson, Turpin, Bibby, Fritz, and Pickard  
NOES: None  
ABSENT: None  
ABSTAINED: None

  
\_\_\_\_\_  
**BOB PICKARD**, Chairman  
Mariposa County Board of Supervisors

**ATTEST:**

*Margie Williams*  
\_\_\_\_\_  
**MARGIE WILLIAMS**  
Clerk of the Board  
by: *Mary Hobson*

**APPROVED AS TO FORM:**

*Thomas Guarino*  
\_\_\_\_\_  
**THOMAS GUARINO**  
County Counsel