



ORDINANCE No. 2468

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

AN ORDINANCE REPEALING SECTION A-II 17.10 AND AMENDING SECTIONS A-II 17.11 THROUGH A-II 17.14 OF ARTICLE 17 OF CHAPTER II OF THE NEVADA COUNTY ADMINISTRATIVE CODE REGARDING COUNTY EXECUTIVE OFFICER CONTRACTING AUTHORITY, ADDING SECTION A-II 42.10.5 OF ARTICLE 42 TO CHAPTER II OF THE NEVADA COUNTY ADMINISTRATIVE CODE REGARDING DIRECTOR OF PUBLIC WORKS CONTRACTING AUTHORITY, AND REPEALING AND REPLACING CHAPTER IV OF THE NEVADA COUNTY ADMINISTRATIVE CODE REGARDING PURCHASING

THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

SECTION I:

Section A-II 17.10 Article 17 of Chapter II of the Nevada County Administrative Code is hereby repealed in its entirety.

SECTION II:

Sections A-II 17.11 through A-II 17.14 of Article 17 of Chapter II of the Nevada County Administrative Code are hereby amended to read as set forth in Exhibit A attached hereto and incorporated herein by reference.

SECTION III:

Section A-II 42.10.5 of Article 42 of Chapter II of the Nevada County Administrative Code is hereby added to read as set forth in Exhibit B attached hereto and incorporated herein by reference.

SECTION IV:

Chapter IV of the Nevada County Administrative Code is hereby repealed and replaced in its entirety to read as set forth in Exhibit C attached hereto and incorporated herein by reference.

SECTION V:

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one (1) or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be held unconstitutional, invalid or unenforceable.

This Ordinance shall take effect and be in force at the expiration of thirty (30) days from and after its passage, and it shall become operative on the 11th day of July, 2019, and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the Supervisors voting for and against same in the Union, a newspaper of general circulation printed and published in the County of Nevada.

PASSED AND ADOPTED by a majority vote of the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 11th day of June, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: _____



Richard Anderson, Chair

5/11/2019 cc:

GIS*
Union*
COB*
CoCo*
QC*
CEO*
CDA*
Purchasing*

EXHIBIT A

ARTICLE 17

COUNTY EXECUTIVE OFFICER (COUNTY ADMINISTRATOR)

* * * *

Sec. A-II 17.10 RESERVED

Sec. A-II 17.11 Donations to the County of Nevada

The County Executive Officer shall have the power to accept donations of any kind on behalf of the County of Nevada so long as the value of the donation does not exceed Twenty-Five Thousand Dollars (\$25,000), in accordance with Government Code Section 25355. The County Executive Officer shall submit notification to the Clerk of the Board of all approved donations.

Sec. A-II 17.12 Contracting Authority

- A. The County Executive Officer is authorized to enter into and to execute all contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Public Contract Code Section 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements, and contracts which must be awarded after public notice and competitive bidding.
- B. The County Executive Officer is authorized to enter into and to execute all grant or revenue contracts or agreements which are Twenty-Five Thousand Dollars (\$25,000) or less.

Sec. A-II 17.13 Ex Officio District Administrator for Nevada County Sanitation District No. 1

The County Executive Officer of the County of Nevada shall be the ex officio District Administrator for the Nevada County Sanitation District No. 1. The County Executive Officer is authorized to enter into and to execute all contracts or agreements on behalf of the Nevada County Sanitation District No. 1 that are Twenty-Five Thousand Dollars (\$25,000) or under and which are not contracts that fall within Public Contract Code Section 20131 relating to the authority granted to purchasing agents, contracts for construction of public improvements, and contracts which must be awarded after public notice and competitive bidding.

Sec. A-II 17.14 Settlement Authority

The County Executive Officer is hereby authorized to approve claims and legal settlements up to and including Fifty Thousand Dollars (\$50,000), with the concurrence of County Counsel.

EXHIBIT B

ARTICLE 42

COMMUNITY DEVELOPMENT AGENCY

* * * *

Sec. A-II 42.10.5 Director of Public Works Authorized to Acquire Real Property for County; Value Not to Exceed \$50,000

- A. Pursuant to the provisions of Government Code Section 25350.60 and subject to the procedures specified in this Section, the Director of Public Works is hereby authorized to perform all acts necessary to approve and accept for the County the acquisition of any interest in real property for right-of-way, public utility, undergrounding or other public purposes related to the construction, maintenance and repair of County-maintained roads, where the purchase price for such interest does not exceed Fifty Thousand Dollars (\$50,000).
- B. The Director of Public Works may approve and accept the acquisition of any interest in real property only if such acquisition (1) is in furtherance of a project which the Board of Supervisors has previously determined to undertake; and (2) the appropriate environmental review pursuant to CEQA has been completed; and (3) funds have been appropriated by the Board of Supervisors for the acquisition.
- C. The form of any deed or grant conveying any interest in real property shall be approved by County Counsel.
- D. Upon acceptance of any deed or grant the Director of Public Works shall promptly execute a certificate of acceptance substantially in the form specified in Government Code Section 27281, and shall transmit same to the County Recorder for recording.
- E. Notwithstanding the other provisions of this Section, where the offers or deeds are tendered in compliance with conditions requested by the Department of Public Works in conjunction with approval of a land development project or to permit construction to proceed on projects approved in the most recent Nevada County Capital Improvement Plan, the Board of Supervisors may, by Resolution, authorize the Director of Public Works or assignee(s), to accept, on behalf of the County of Nevada, offers of dedication made by a statement on a subdivision map and grant deeds or easement deeds for road right-of-way, public utility and/or drainage purposes and to execute and request recording of any necessary certificate of such acceptance, reporting such action to the Board of Supervisors. The Board of Supervisors shall periodically review this delegation of authority.
- F. Pursuant to Government Code Section 25350.60, the authority granted by this section shall automatically expire as of July 13, 2024, unless such authority is renewed or extended by a subsequent ordinance of the Board of Supervisors.

EXHIBIT C

CHAPTER IV: PURCHASES

Sec. A-IV 1.1 Purchasing Agent - Office Established

Pursuant to the provisions of Govt. Code Sections 25500, et seq., the Office of Purchasing Agent of the County is hereby established.

Sec. A-IV 1.2 Consolidation of Information and General Services and Office of Purchasing Agent

The Purchasing Unit is a subpart of the Department of Information and General Services, and all references herein to the Purchasing Agent shall also include the Director of Information and General Services.

Sec. A-IV 1.3 Purchasing Agent - Duties

The Director of Information and General Services ("Director"), acting as the ex-officio purchasing agent, or his or her designee, shall have the duties and powers prescribed for county purchasing agents by the provisions of Government Code Sections 25500, et seq., the Public Contracts Code, this Article and by such policies or procedures as established by the Nevada County Board of Supervisors. The Director or designee shall administer the Purchasing division of the Department of Information and General Services in an efficient and economical manner. The purchasing agent or designee shall have the authority to:

- A. Purchase, rent or lease for the County all personal property pursuant to Government Code Sections 25501 and 25502 when the annual aggregate cost does not exceed Two Hundred Fifty Thousand Dollars (\$250,000).
- B. Sell, lease, trade or otherwise dispose of personal property that has been found not to be required for public use in accordance with Government Code Sections 25503, 25504, 25504.5 and 25505.
- C. Engage independent contractors to perform services for the county and its offices when the annual aggregate cost does not exceed Fifty Thousand Dollars (\$50,000).
- D. Employ bidding procedures in accordance with Public Contract Code Section 20150, et seq.
- E. Negotiate and execute in the name of the County as lessee all rentals of real property for a term not to exceed five years and for a rental not to exceed Seven Thousand Five Hundred Dollars (\$7,500) per month pursuant to Government Code Section 25350.51.
- F. Perform such other services as the Board of Supervisors or County Executive Officer may direct.
- G. The Purchasing Agent shall also be empowered to exercise the authority set forth in this Section on behalf of the Nevada County Sanitation District; any CSAs, PRDs or special districts under the direct control of the Board of Supervisors; and any other special districts as specifically authorized by the Board of Supervisors. Unless expressly prohibited by law, the Purchasing Agent shall charge for any services provided to any special districts or other government agencies.

Sec. A-IV 1.4 Emergency Purchases

- A. In the event of a local emergency as proclaimed by the Emergency Services Director and/or the Board of In the event of a local emergency as proclaimed by the Emergency Services Director and/or the Board of Supervisors, or a state or federal emergency declared by the Governor or President respectively, the Purchasing Agent is authorized to purchase or rent supplies, materials, equipment, and other personal property of whatever kind or nature, and may engage independent contractors to perform services, with or without the furnishing of materials, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000) or in such other maximum contract amounts as may be established by said emergency proclamation. Such emergency purchases shall be approved and confirmed by the Board of Supervisors when required by law.

- B. Emergency purchases of goods and materials may be made by any person or official authorized to sign requisitions when the Purchasing Agent, or any of his or her Deputies are not immediately available and the item or items so purchased are immediately necessary for the continued operation of the office or department involved, or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent, or if the Purchasing Agent refuses such confirmation, the Board of Supervisors may subsequently approve and confirm such purchases by a four-fifths vote of the entire Board. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County.

Sec. A-IV 1.5 Purchasing Policies, Rules, Regulations and Procedures

The Board of Supervisors may, by resolution, establish such policies, rules or regulations, as the Board deems necessary to effectuate the purposes of this Article. The Purchasing Agent may develop purchasing procedures consistent with this Article and any policies, rules and regulations, as may be adopted by the Board of Supervisors from time to time or as necessary.

Sec. A-IV 1.6 Delegation of Purchasing Agent Authority

The Purchasing Agent may delegate purchasing authority for small dollar purchases to Department Heads or their designees for individual purchases of products and services with an estimated total cost of Four Thousand Dollars (\$4,000) or less, including tax, installation, and freight, if in the opinion of the Purchasing Agent such direct purchases would be in the best interest of the County.

Sec. A-IV 1.7 Local Vendor Preference

Pursuant to Public Contract Code Section 2002, and in recognition of the sales tax that is apportioned to Nevada County as a result of sales made by businesses located within the County, a local preference credit of five percent (5.0%) but not cumulatively greater than Five Thousand Dollars (\$5,000) for Nevada County businesses shall be permitted when evaluating competitive solicitations for supplies, equipment and materials that are not part of a public project, unless otherwise prohibited by law.

For purposes of this Section, a local business qualifying for local vendor preference must meet all of the following criteria:

- A. The local business shall have established a lawful place of business within Nevada County at least six months prior to the close of the bids.
- B. If state sales tax is applicable to the purchase, the local business must possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within Nevada County.

Local businesses who wish to receive this preference shall be required to submit a statement which demonstrates compliance with the provisions of this Section. The statement shall be in a format prescribed by the County Purchasing division and shall be signed under penalty of perjury. Any person, firm, corporation or entity who submits a false statement or other information to the County in an attempt to qualify for local preference may be prohibited from bidding on Nevada County products and services.

Sec. A-IV 1.8 Acceptance of Gratuities Prohibited; Removal or Other Disciplinary Action Against Officer, Etc.

- A. 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 any vendor or contractor, or prospective vendor or contractor, shall be deemed to be a violation of this Chapter and shall be cause for removal or other disciplinary action.

- B. The offer of any such gratuity to any official or employee of the County by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for debarring him from bidding.