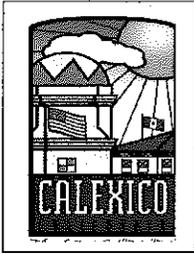


**AGENDA
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AGENDA STAFF REPORT

DATE: August 18, 2015

TO: Mayor and City Council

APPROVED BY: Richard N. Warne, Interim City Manager *RNW*

PREPARED BY: Nick Servin, Public Works Director/ City Engineer
Mark Austin, Interim City Attorney
Mark Vasquez, Assistant City Planner

SUBJECT: Introduce and Waive First Reading of Ordinance of the City Council of the City of Calexico Adding Chapter 8.47 to Title 8 (Health and Safety of the Calexico Municipal Code) Pertaining to Hookah Parlors

=====

Recommendation:

Approve the first reading of the proposed ordinance, by title only, and waive full reading.

Background:

At its meeting of June 8, 2015, the Calexico Planning Commission reviewed a resolution and draft ordinance prepared by staff prohibiting Hookah Parlors from operating in Calexico. Planning Staff studied its options, evaluating other cities' ordinances involving Hookah Parlors, which are popular in larger metropolitan cities, prior to presenting this information to the Planning Commission. Staff presented their findings, which indicated that this type of use promotes associated increases in noise, loitering, public and underage drinking, dangerous behavior of tobacco use, and smoking. It was determined that this use would be contrary to the goals and policies of the General Plan and Title 8 - Health and Safety Ordinance of the City's Municipal Code. After much discussion, the Planning Commission passed a resolution recommending that the City Council adopt an Ordinance that would amend Title 8 to prohibit Hookah Parlors from operating in all zones within the City of Calexico.

Since the hearing before the Planning Commission, minor modifications to the proposed municipal code amendments have been made by the City Attorney's office, to make the language more consistent with other provisions of the Municipal Code. In addition, City staff has done further investigation regarding the adverse effects of smoking, including second-hand smoke, and have included this information in the proposed ordinance.

For instance, the United States Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke.¹ In addition, the United States Environmental Protection Agency has found secondhand

**AGENDA
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¹ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of*

smoke to be a risk to public health and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen.² Furthermore, the California Air Resources Board has identified environmental tobacco smoke (commonly known as secondhand smoke) as a toxic air contaminant without a threshold exposure level below which no significant adverse health effects are anticipated.³ Also, the California Office of Environmental Health Hazard Assessment has included tobacco smoke and environmental tobacco smoke (commonly known as secondhand smoke) on the Proposition 65 list of chemicals known to the State of California to cause cancer and developmental harm.⁴

Based on these factors and the findings and recommendation of the Planning Commission, the ordinance is now being presented to the City Council for consideration.

Discussion & Analysis:

The Planning Commission reviewed the attached resolution and draft ordinance prohibiting Hookah Parlors from operating in Calexico. (Attachments #1 and #2) City staff recommends that the Council take all required steps including adopting the necessary ordinance prohibiting Hookah Parlors from operating in Calexico

Fiscal Impact:

None.

Coordinated With:

City Attorney's Office.

ATTACHMENTS:

1. Planning Commission Staff Report and Planning Commission Resolution No. 2015-01.
2. City Council Ordinance

the Surgeon General 9 (2006).

² U.S. Environmental Protection Agency. *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders* 1-4 (1992).

³ Cal. Air Resources Bd., Resolution 06-01, at 5 (Jan. 26, 2006).

⁴ Cal. Env'tl. Prot. Agency, Office of Env'tl. Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity* (May 11, 2015).

ATTACHMENT 1



PLANNING COMMISSION STAFF REPORT

DATE: Monday, June 8, 2015
TO: Chairperson and Members of the Planning Commission
FROM: Nick Servin, Public Works Director/City Engineer
PREPARED BY: Mark Vasquez, Assistant City Planner

PROJECT TITLE: An Ordinance Adding Chapter 8.47 to Title 8, Health and Safety of the Calexico Municipal Code

APPLICANT: City of Calexico

OWNER: N/A

PROJECT REQUESTS

Municipal Code Text Amendments: Adding Chapter 8.47 to Title 8, Health and Safety of the Calexico Municipal Code pertaining to Hookah Bars.

BACKGROUND

At its March 11, 2015 meeting, the Project Review Committee (PRC) reviewed a proposal for a Hookah Parlor located at 101 Hacienda Avenue. The committee was not in favor of the proposed business due to its associated increases in noise, loitering, public and underage drinking, dangerous behavior of tobacco use and smoking. The PRC and City Manager subsequently provided instruction to adopt an ordinance, prohibiting Hookah Parlors from operating as a primary, accessory or secondary use in all zones in the City of Calexico.

As part of its investigation process, the City studied its options, evaluating other cities' ordinances involving Hookah Parlors which are popular in larger metropolitan areas and determined that this use would be contrary to the goals and policies of the City of Calexico General Plan and Title 8 - Health and Safety Ordinance, respectively.

PLANNING COMMISSION STAFF REPORT

MAY 26, 2015

PAGE 2 of 2

PROJECT TITLE: An Ordinance Adding Chapter 8.47 to Title 8, Health and Safety of the Calexico Municipal Code, (CMC) pertaining to Hookah Bars and Lounges

PROJECT LOCATION AND SETTING

City-wide.

ANALYSIS AND DISCUSSION

After evaluating other local cities' ordinances involving Hookah Parlors which are usually popular in larger metropolitan areas, it was determined that such uses would be contrary to the goals and policies of the City of Calexico General Plan and Title 8 - Health and Safety Ordinance, respectively.

RECOMMENDATIONS

It is recommended that the Planning Commission receive the staff report, take public comment, and adopt: Resolution No. 2015-___ recommending adoption of the draft Ordinance submitted prohibiting Hookah Parlors from operating as a primary, accessory or secondary use in all zones in the City of Calexico.

ATTACHMENTS

- 1. PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. 2015-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE CALEXICO MUNICIPAL CODE TO PROHIBIT HOOKAH PARLORS FROM OPERATING AS PRIMARY, SECONDARY OR ACCESSAORY USE IN ALL ZONES

WHEREAS, on May 26, 2015, the Planning Commission of the City of Calexico reviewed a draft ordinance banning Hookah Parlors from operating within the City in all zones; and

WHEREAS, after proper public notice was given, on May 14, 2015, this Commission considered the proposed ordinance; and

WHEREAS, the Planning Commission has afforded the public the opportunity to provide input into the proposed ordinance and has considered legal and land use aspects of Hookah Parlors and businesses; and

WHEREAS, the Planning Commission finds that proposals submitted to the City for operation of Hookah Parlors and Bars may bring associated increases in noise, loitering, public drinking, dangerous behavior of tobacco use and smoking, and underage drinking to name a few.

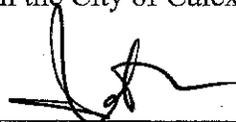
NOW THEREFORE, the Planning Commission of the City of Calexico DOES HEREBY RESOLVE as follows:

SECTION 1. The Planning Commission finds the facts recited above are true and correct and incorporates them herein by this reference.

SECTION 2. The proposed ordinance prohibiting the operation of Hookah Parlors and Bars is consistent with Calexico's General Plan Policies and Goals.

SECTION 3. The Planning Commission believes that the ordinance will avoid the potential for legal liability risks associated with Health and Safety.

NOW, THEREFORE, based on the above findings, the Planning Commission of the City of Calexico DOES HEREBY RECOMMEND that the City Council of the City of Calexico adopt the proposed Ordinance to ban Hookah Parlors in the City of Calexico.



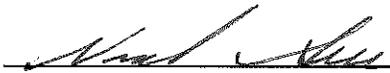
Cesar Rodriguez, Chairman
Calexico Planning Commission

CERTIFICATION

I, Nick Servin, Secretary to the Planning Commission, hereby certify that the preceding Resolution No. 2015-01 was presented to the Planning Commission at a meeting conducted on May 26, 2015 by the following vote:

AYES:	Rodriguez, Romero, Ouzan
NOES:	None
ABSENT:	Felix, Gelman
ABSTAIN:	None

ATTEST:



Nick Servin, Public Works Director/City Engineer
Secretary to the Planning Commission

ATTACHMENT 2

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO
ADOPTING AMENDMENTS TO TITLE 8 – “HEALTH & SAFETY” – OF
THE CITY OF CALEXICO MUNICIPAL CODE, BY THE ADDITION OF
CHAPTER 8.47, ENTITLED “HOOKAH PARLORS PROHIBITED,”
PROHIBITING THE OPERATION OF HOOKAH PARLORS WITHIN
THE CITY OF CALEXICO**

WHEREAS, on June 8, 2015, the Planning Commission of the City of Calexico adopted Resolution No. 2015-01, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALEXICO, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE CALEXICO MUNICIPAL CODE TO PROHIBIT HOOKAH PARLORS FROM OPERATING AS A PRIMARY, SECONDARY, OR ACCESSORY USE IN ALL ZONES”; and

WHEREAS, the Planning Commission of the City of Calexico determined that the operation of hookah parlors and bars may bring associated increases in noise, loitering, public drinking, dangerous behavior of tobacco use and smoking, and underage drinking;

WHEREAS, the Planning Commission of the City of Calexico further determined that the prohibition of hookah parlors and bars will avoid the potential for legal liability risks associated with health and safety;

WHEREAS, the Planning Commission of the City of Calexico further determined that the prohibition of hookah parlors and bars is consistent with the City of Calexico’s General Plan and Goals;

WHEREAS, the United States Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke;¹

WHEREAS, the United States Environmental Protection Agency has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;²

WHEREAS, the California Air Resources Board has identified environmental tobacco smoke (commonly known as secondhand smoke) as a toxic air contaminant without a threshold exposure level below which no significant adverse health effects are anticipated;³

¹ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General* 9 (2006).

² U.S. Environmental Protection Agency. *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders* 1-4 (1992).

³ Cal. Air Resources Bd., Resolution 06-01, at 5 (Jan. 26, 2006).

WHEREAS, the California Office of Environmental Health Hazard Assessment has included tobacco smoke and environmental tobacco smoke (commonly known as secondhand smoke) on the Proposition 65 list of chemicals known to the State of California to cause cancer and developmental harm;⁴ and

WHEREAS, with certain exceptions, state law and the City of Calexico Municipal Code prohibit smoking inside an enclosed place of employment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8 “HEALTH AND SAFETY” of the City of Calexico Municipal Code is hereby amended by adding Chapter 8.47, entitled “HOOKAH PARLORS PROHIBITED,” to read as follows:

“CHAPTER 8.47 - HOOKAH PARLORS PROHIBITED

8.47.010 – Purpose.

The City Council finds that substantial scientific evidence exists that the use of tobacco products causes cancer, heart disease, and various other medical diseases. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and that neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke. The United States Environmental Protection Agency has found secondhand smoke to be a risk to public health and has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen. The California Air Resources Board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant. The California Office of Environmental Health Hazard Assessment has included secondhand smoke on the Proposition 65 list of chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm. In addition, the City Council also finds that the operation of hookah parlors is associated with increases in noise, loitering, public drinking, dangerous behavior of tobacco use and smoking, and underage drinking. Accordingly, the City Council finds and declares that it is in the public interest to prohibit hookah parlors in all zones throughout the City. In order to serve the public health, safety, and welfare of the residents and businesses within the City, the declared purpose of this chapter is to prohibit hookah parlors in all zones whether operating as a primary or accessory use.

8.47.020 – Definitions.

For the purposes of this chapter, the following words are defined:

‘Accessory use’ shall have the same meaning as “accessory use” as defined in Section 17.01.900 of Title 17 “ZONING” of the City of Calexico Municipal Code.

⁴ Cal. Envntl. Prot. Agency, Office of Envntl. Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity* (May 11, 2015).

'Hookah parlor' shall mean any business, establishment, facility, or location whose business operation, whether as its primary use or accessory use, is denoted by the smoking of tobacco or other substances through one or more pipes (commonly known as a hookah, waterpipe, shisha, or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it, including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes.

'Hookah pipe' shall mean a water pipe, bong, hookah, or similar device through which a person can cause tobacco or another lawful substance to combust and then pass through the air, gas, or a liquid before it is inhaled by a person using the device. A hookah pipe does not include cigarettes, cigars, or a device where (a) the smoke is inhaled without passing through the air, gas, or a liquid, or (b) the length of any pipe or tube used for inhaling the smoke is not more than ten inches.

'Primary use' shall mean a use that is not an accessory use.

8.47.030 – Prohibition.

It shall be unlawful for any person or entity to own, manage, conduct, or operate any hookah parlor, or to participate as an employee, contractor, agent, or volunteer, or in any other manner or capacity, in any hookah parlor in the City. Hookah parlors are prohibited in all zones whether operating as a primary use or accessory use.”

SECTION 2. Except as expressly modified pursuant to this Ordinance, all provisions of the City of Calexico Municipal Code shall remain unmodified and in full force and effect.

SECTION 3. No use, business, or activity of any kind which operated as a hookah parlor prior to the enactment of this Ordinance shall be deemed to have been a legally-established use under the provisions of the City of Calexico Municipal Code, and any such use shall not be entitled to claim legal nonconforming status.

SECTION 4. The City Clerk shall certify the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and, within fifteen (15) days after its final passage, the City Clerk shall cause it to be published in a newspaper of general circulation.

First read at a regular meeting of the City Council held on the 21st day of July, 2015, and adopted and ordered published at a regular meeting of said Council on the 4th day of August 2015.

PASSED, APPROVED, AND ADOPTED this 4th day of August, 2015.

CITY OF CALEXICO

Joong Kim, Mayor

ATTEST:

Gabriela T. Garcia, City Clerk

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

Mark J. Austin, Interim City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF CALEXICO)

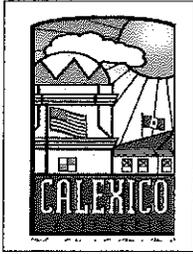
I, Gabriela T. Garcia, City Clerk of the City of Calexico, California, do hereby certify that the foregoing Ordinance No. ____ had its first reading on _____, 2015, and had its second reading on _____, 2015, and was passed by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED:

Gabriela T. Garcia, City Clerk

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AGENDA STAFF REPORT

DATE: August 18, 2015

TO: Mayor and City Council

APPROVED BY: Richard N. Warne, City Manager *REW*

PREPARED BY: Richard N. Warne, City Manager *REW*

SUBJECT: Mayor Kim Agenda Item Request: City Council Discussion and Direction Regarding Purchasing Authority for the City Manager.

=====

Recommendation:

Discuss and provide direction regarding purchasing authority for the City Manager.

Background:

Mayor Kim has requested that this item be placed on the agenda.

Ordinance No. 1153 adopted on February 18, 2014, governs procurement of goods and services. Purchases are made pursuant to the annual budget adopted by the City Council.

Discussion & Analysis:

Current ordinance allows Department Heads to make over-the-counter purchases of less than \$2,500. Purchasing authority from \$2,500 to \$49,999 is delegated to the Finance Director or the City Manager after obtaining three competitive bids or quotations. Purchases that exceed \$49,999 require a formal bid process and City Council approval.

The El Centro City Manager and the Calexico City Manager's purchasing authority is currently the same at \$50,000. The purchasing authority of the County CEO is \$100,000. The superintendent of the Calexico Unified School District has purchasing authority up to \$200,000. (See attached purchasing policy excerpts.)

Fiscal Impact:

Undetermined at this time.

Coordinated With:

City Attorney's Office.

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Attachments:

1. Staff Report for Ordinance No. 1153 Adopted by the Calexico City Council on February 18, 2014.
2. Ordinance No. 1153 (An Ordinance of the City Council of the City of Calexico, California Adopting the Amended City of Calexico Purchasing Policies and Procedures.)
3. Purchasing Policy Excerpts from El Centro, Imperial County and Calexico Unified School District.



CITY OF CALEXICO	
CITY	5
Item No.	

CITY OF CALEXICO FACT SHEET

FINANCE DEPARTMENT
Department

February 18, 2014
Requested Date

1. Request:

Approval	<input checked="" type="checkbox"/>	Information Only/ Presentation	<input type="checkbox"/>
Other (specify)	<input type="checkbox"/>	Hearing	<input type="checkbox"/>

2. Requested Action:

City staff recommends the City Council conduct a second reading and adopt the ordinance by title only and waive full reading of Ordinance No. 1153.

3. Fiscal Impact:

Revenue:	Increase	<input type="checkbox"/>	Source:	_____
	Decrease	<input type="checkbox"/>	Amount:	_____
Cost:	Increase	<input type="checkbox"/>	Source:	_____
	Decrease	<input type="checkbox"/>	Amount:	_____
Does Not Apply <input checked="" type="checkbox"/>				

4. Reviewed By:

Finance Dept. on 5-Feb-14 By: _____
Comments: _____

City Attorney on 2/5/2014 By: Jennifer Lyon
Comments: _____

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.



COUNCIL MEETING DATE: 0218/2014

Action	<input type="checkbox"/>	Filing	<input type="checkbox"/>
Consent	<input checked="" type="checkbox"/>	Presentation	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	Other(specify)	<input type="checkbox"/>

Reviewed by: City Clerk [Signature]
Date 2/18/14

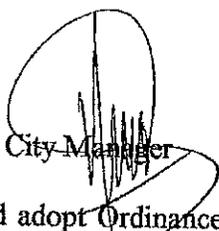
City Manager _____
Date _____

**CITY OF CALEXICO
AGENDA REPORT**

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CALEXICO, CALIFORNIA, ADOPTING
THE AMENDED CITY OF CALEXICO PURCHASING
POLICY AND PROCEDURES**

AGENDA DATE: February 18, 2014

PREPARED BY: Oscar G. Rodriguez, City Manager

APPROVED FOR AGENDA BY: Oscar G. Rodriguez, City Manager 

RECOMMENDATION: Conduct a second reading and adopt Ordinance No. 1153 Adopting the Amended City of Calexico Purchasing Policy and Procedures, to become effective thirty days after adoption.

FISCAL IMPACT: None.

BACKGROUND INFORMATION: The City's Purchasing Policy establishes procedures for the purchases of goods and services and for contracts for professional services. It also establishes the contract awarding authority of the City Manager and the City Council, based on the dollar amount of the contract. The Purchasing Policy also sets the minimum dollar amount of a contract that can be entered into before a formal bid process is required. The City's Purchasing Policy does not apply to public works projects that must be bid and awarded based on State law requirements.

DISCUSSION/RECOMMENDATION: Since 2007 when the Purchasing Policy was last revised, the costs of goods and services have increased. This means that a larger number of purchases must go to the City Council for approval. This, in turn, increases the time it takes to effectuate purchases and execute contracts. Moreover, because of the increased number of purchases that must go to the City Council for approval, there is an increased need for staff time to process the award of bids/contracts over \$9,999.

Staff is recommending that the City Council modify the Purchasing Policy by increasing the City Manager's contract award authority for the procurement of goods and/or services contracts from \$9,999 to \$49,999 in any one transaction. Additionally, staff is recommending that purchases and contracts of up to \$49,999 may be entered into using the Informal Bid Process and contracts of \$50,000 or more be entered into using the Formal Bid Process requirements of the Purchasing Policy.

Raising the City Manager's contract awarding authority from \$9,999 to \$49,999 will increase efficiency in procedures, without requiring additional staff time. This would maintain City Council oversight while recognizing current market conditions and staffing levels to efficiently

manage the purchase of goods and services. Raising the minimum dollar amount for a contract to be entered into using the informal bid process will also result in savings of time and money in making such contracts and will benefit the City and result in greater efficiencies in the City's purchasing and contracting activities.

ATTACHMENTS:

- 1. Ordinance adopting amended City of Calexico Purchasing Policy and Procedures.**
- 2. City of Calexico Purchasing Policy and Procedures – Exhibit "A."**

ORDINANCE NO. 1153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, ADOPTING THE AMENDED CITY OF CALEXICO PURCHASING POLICY AND PROCEDURES

WHEREAS, the City of Calexico ("City") is a municipal corporation organized and existing under the Constitution and the laws of the State of California; and

WHEREAS, the City has the authority to enter into contracts to carry out the necessary functions of the City; and

WHEREAS, the City must adopt its Purchasing Policy governing the purchase of supplies and equipment by means of an ordinance pursuant to California Government Code sections 54202 and 54203; and

WHEREAS, the existing Purchasing Policy requires revisions to ensure efficient operation of the City's business.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. A Purchasing Policy, attached as Exhibit "A," is adopted in order to establish efficient procedures for the purchase of supplies and equipment, to secure supplies and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases and to define authority for the purchasing function.

EFFECTIVE DATE: This Ordinance shall be effective thirty days after its adoption; and the City Clerk shall certify the adoption of this Ordinance and cause it to be published as required by law.

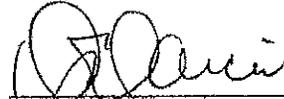
INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Calexico on the 21st day of January, 2014 and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Calexico, California, on the 18th day of February, 2014, by the following vote:

AYES: Hodge, Moreno, Hurtado
NOES: Kim, Castro
ABSENT: None


BILL HODGE, MAYOR

ATTEST:


GABRIELA GARCIA
DEPUTY CITY CLERK

APPROVED AS TO FORM:


JENNIFER M. LYON
CITY ATTORNEY

ISSUE DATE: MARCH 19, 2014

The purpose of this procedure is to provide the City of Calexico a means of assuring continuity and uniformity in its purchasing operation and to define the responsibilities for purchasing supplies, services and equipment for the City of Calexico. The general rule is that a general law City cannot take action except through its City Council. Further, a City cannot be obligated under a contract except through action by its City Council. However, the City Council chooses to create this policy so that certain contracts can be formed and purchases can be made without formal action by the City Council so that the City can operate efficiently. The basic standard that should always prevail is to exercise good judgment in the use and stewardship of City resources, including keeping within the budget authorized by City Council.

The policy outlined herein is to be adhered to by all Departments when procuring supplies, services and equipment. This policy strives to define making the prudent review and internal control procedures and to maintain Department Head responsibility for their budget and flexibility in evaluating, selecting and purchasing supplies, equipment and services.

Unauthorized Purchases

Except for urgencies or other authorized exemptions as stated in these guidelines, no purchase of supplies, services, or equipment shall be made without an authorized purchase order. Unless allowed by some other City Council ordinance, resolution, or law, a purchase or contract formed in violation of this Policy is void. An employee ordering the unauthorized purchase may be subject to reprimand for violation of this policy.

Purchase orders shall be issued prior to ordering supplies, equipment and services and not after the fact for work already done or materials already ordered.

City employees, officers or officials shall not solicit or accept gifts except for those items that can be shared by all staff such as food and flowers. In addition, no employee, officer, or official shall be entitled to any special consideration, i.e. discounts from vendors and merchants in their personal affairs.

Vendor Relations

It is to the City's advantage to promote and maintain good relations with vendors. The Finance Department and Departments' staff shall conduct their dealings with vendors in a professional manner and shall promote equal opportunity and demonstrate fairness, integrity, and courtesy in all vendor relations. When feasible to do so, vendors within the City of Calexico should be utilized for supplies, services and equipment. When determining the lowest responsible bidder, the amount of local City sales tax included in the bid submitted by a local vendor shall be credited by the City against said bid.

Purchasing Method**Requirements for certain purchasing dollar limits**

Purchasing dollar limits are "per order". This policy specifically prohibits splitting an order to circumvent the specified dollar limits. Departments shall contact the Finance Department to coordinate volume bids of repetitive requirements (i.e., the frequent purchase of items such as chemical, paper goods, etc., which annually exceed the specified limits).

Purchases of Less than \$2,500 – Over-the-Counter

For purchases of less than \$2,500, the authority to award is the Department Head. Comparative pricing is not required but shall be used when practical. Prudent judgment shall be used at all times. All departments may purchase supplies, equipment, and services, of less than \$2,500 without competitive bidding.

Purchase between \$2,500 - \$49,999 – Open Market

For Purchases of between \$2,500 and \$49,999 the authority to award is the City Manager or Finance Director. Department staff shall not award purchase orders for \$2,500 or more without the approval of the City Manager, Finance Director, or Assistant Finance Director, except in the event of an urgency purchase (see Urgency Purchases). All Departments shall obtain three oral or written competitive quotations whenever possible for purchases. The Department should submit a requisition, which includes the recommended vendor, with all supporting documentation to the Finance Department. Supporting documentation shall include competitive price quotes obtained, names of vendors contacted, description of the items required, and certificates of insurance if applicable. The Finance Department should review the recommendation and supporting documentation and may contact additional sources for quotations.

The City Manager, Finance Director, or Assistant Finance Director may award purchase to the lowest responsive and responsible bidder whose quote fulfills the intended purpose, quality, and delivery needs of the solicitation, provided that an appropriation for that item exists. In lieu of awarding the purchase, the City Manager, Finance Director, or designee may reject bids, or may negotiate further to obtain terms acceptable to the city.

Purchases of \$49,999 or More – Formal Bid

Purchases that exceed \$49,999 require a Formal Bid Process and City Council approval. See Informal and Formal Bid Process.

Open Purchase Orders

An Open Purchase Order is an agreement whereby the City contracts with a vendor to provide equipment or supplies on an as-needed and often over-the-counter basis. Open Purchase Orders provide a mechanism whereby items, which are uneconomical to stock, may be purchased in a manner that allows field operations timely access to necessary materials. Open Purchase Orders shall not be used to purchase services, capital assets or items maintained in stock.

ATTACHMENT A

CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

The Finance Department shall request confirmation of Open Purchase Orders annually, before the beginning of the fiscal year. Requests for Open Purchase Orders may also be submitted to the Finance Department on an as-needed basis. The Finance Department shall review the Open Purchase Order requests based upon the following criteria:

1. Geographic location
2. Responsiveness and capabilities
3. Average dollar value and type of items to be purchased
4. Frequency of need

All Open Purchase Orders shall include the following information:

- a. A general description of the equipment or supplies which may be charged;
- b. The period of time the order will remain open, not to exceed one fiscal year;
- c. The maximum total amount which may be charged on the purchase order;
- d. Items excluded from the purchase, if applicable;
- e. Requirement that employees print and sign their names when picking up goods; and
- f. Account number to be charged.

Once an Open Purchase Order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions in the Open Purchase Order.

Contract Purchase Orders

Contract Purchase Orders are the preferred method of purchasing repetitive-use items or services, for example office supplies, which may be common to several departments or within one department. Establishing Contract Purchase Orders provides a means of obtaining volume pricing based upon the combined needs of all departments, reduces the administrative costs associated with seeking redundant competitive bids and processing a Purchase Order each time an order is placed, and allows Departments to order as needed, reducing the requirement to maintain large inventories of stock.

If a Contract Purchase Order exists, Departments shall order all of their requirements from the successful vendor. No other source shall be used without prior approval of the Finance Department. Departments shall submit in writing to the Finance Department any performance problem encountered immediately following the occurrence so that corrective action may be taken.

Contract Purchase Orders are annual and may include option for renewal for specific products, product types, or services at agreed upon prices or pricing structure and for a specified period of time.

Cooperative Purchases

The City may participate in purchases and contracts established by other political jurisdictions, provided the cooperative agreement is established following a competitive

CITY OF CALEXICO

PURCHASING POLICY & PROCEDURES

bid process. The City Manager may authorize the award of cooperative purchase agreements up to \$49,999. City Council approval is required for the award of any cooperative purchase of \$50,000 or more.

Sole Source Purchases

Commodities and services, which can be obtained from only one vendor, are exempt from competitive bidding. Sole source purchases may include proprietary items sold directly from the manufacturer, items that have only one distributor authorized to sell in this area or a certain product had been proven to be the only product that has proven to be acceptable. All sole source purchases shall be supported by written documentation signed by the appropriate Department Head and forwarded to the Finance Department. The Finance Director or designee will make final determination that an item is a valid sole source purchase.

Urgency Purchases

An urgency purchase is one where there is an unforeseen situation which requires immediate procurement of materials or services in order to continue operations of an essential department, or for the preservation of health, safety and welfare of the people, or protection of property, when there is a present, immediate and existing danger. A depletion of stock through normal routine usage is not considered an urgency item.

Urgency purchases may be made without competitive bidding when time is of the essence, and shall be made only for the following reasons:

1. to preserve or protect life, health or property; or
2. upon natural disaster; or
3. to forestall a shutdown of essential public services

Since urgency purchases do not normally provide the City an opportunity to obtain competitive quotes or properly encumber funds committed, sound judgment shall be used in keeping such order to an absolute minimum. In addition, the following requirements shall apply:

4. The Finance Department shall be contacted as soon as possible for an advance purchase order number, which may be given verbally to cover the urgent transaction. If unable to contact the Finance Department place the order and contact the Finance Department the next workday.
5. A completed purchase requisition shall be submitted to the Finance Department within two working days, or as soon as possible as the information is available. The appropriate Department Head shall sign all purchase requisitions for urgent purchases.
6. Documentation explaining the circumstances and nature of the urgency purchase shall be submitted by the appropriate Department Head as follows:
 - a. Purchases less than \$2,500: Use standard purchasing procedure;
 - b. Purchases in the amount of \$2,500 - \$49,999: Report to the Finance Director by processing requisition within one day and report to the City Manager within two working days for ratification;

CITY OF CALEXICO

PURCHASING POLICY & PROCEDURES

- c. Purchases of \$50,000 or more: 1) Report to the City Manager within two working days, and 2) report to the City Council at its next scheduled meeting for ratification
- 7. If the urgency purchase causes any budget line item to exceed the adopted budget, it shall be the responsibility of the Department requesting the purchase to make a transfer to cover the purchase or obtain subsequent City Council approval for an additional appropriation to cover the purchase. If funds are available to transfer from another budget line item, the Transfer of Appropriation form shall be used. If the urgency purchase requires an increase in the Adopted Budget, a Budget Amendment Resolution form must be submitted to the City Council for approval.

Purchase Order Exemptions

Certain purchases are not readily adaptable to the open market and formal bidding process. These purchases are generally for items where the competitive bid process is not applicable or where a check is required to accompany the order. Following is a list of allowable exemptions:

- | | |
|-------------------------------------|--------------------------------------|
| Advertisements and Notices | Payments to other Governmental Units |
| Attorney Services | Petty Cash Replenishments |
| Consultant Services | Property Rentals |
| Courier/Delivery/Messenger Services | Subscriptions |
| Insurance Claims and Premiums | Trade Circulars or books |
| Medical Payments | Travel Expense/Advances |
| Membership Dues | Utility Payments |

Exemptions are limited to those items listed above. Departments may submit written requests for additional exemptions to the Finance Department. If warranted, additional exemptions will be added to this list.

If a vendor requires a Purchase Order to process an order, the department shall submit a purchase order requisition to the Finance Department to initiate a purchase order.

Petty Cash

A petty cash advance is used to obtain petty cash for a quick purchase of small items from a local store. Department Heads have approval of petty cash purchases up to \$25 only. Only the Finance Director or the Assistant Finance Director can approve petty cash purchases over \$25 to a maximum of \$100. All petty cash transactions must be completed on the same day an advance is made. If the transaction cannot be completed the cash must be returned to Accounts Payable by the end of the day and another advance obtained the next day.

Petty cash advances are obtained from Accounts Payable. When seeking an advance, obtain the appropriate form from Accounts Payable and fill out form with date, name, department description, account number and signature. After the purchase is made,

ATTACHMENT A

CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

please submit receipt with any unused money. A petty cash voucher is then prepared by Accounts Payable, which will be used to reimburse the petty cash fund.

Purchase Award

1. Lowest responsive and qualified bidder
 - A. Bids shall be awarded to the "responsive" and "qualified" bidder who submits the lowest bid.
 - B. In determining the lowest "responsive" bid, the following elements shall be considered in addition to price:
 - a. A responsive bid is one, which is in substantial conformance with the requirements of the invitation to bid, including specifications and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their ability shall be considered non-responsive bidders.
 - b. Conformance with the requirements of the invitation to bid may also include providing proof of insurance, completing all forms, including references, and all other information as requested in the bid document.
 - c. The successful bidder must demonstrate the ability to successfully fulfill a contract, including rendering of subsequent and continuing service. Staff may request proof of a prospective bidder's reliability. Prospective bidders may be requested to furnish proof of financial resources, a list of current or previous customers, and other pertinent data. Such action may also be taken after receipt of bids.
 - d. A bidder may be determined to be non-responsive if a prospective bidder fails to furnish proof of qualifications when required.
 - C. In determining the lowest "qualified" bidder, the following elements shall be considered in addition to price:
 - a. That the products offered provide the quality, fitness, and capacity for the required usage.
 - b. That the bidder has the ability, capacity and skill to perform the contract satisfactorily and within the time required.
 - c. That bidder's experience(s) regarding past purchases by the City or other public agencies demonstrates the reliability of the bidder to perform the contract.
 - D. When a bid is recommended to be awarded to other than the low bidder, written justification is required. The written statement, signed by the appropriate department head, shall be attached to the purchase requisition.
2. Rejection of Bids
The City Manager shall have the authority to reject any or all bids for a contract of \$49,999 or less. The City Council shall have the authority to reject any or all bids for a contract of \$50,000 or more, upon recommendation of the City Manager. The City Manager may recommend rejection of any or all bids if it is determined to be in the best interests of the City. Reasons for rejection may

ATTACHMENT A

CITY OF CALEXICO PURCHASING POLICY & PROCEDURES

include, but are not limited to, the following: 1) a bid is determined to be non-responsive, 2) the number of bids received is inadequate, 3) bids received are not reasonably uniform in price, or 4) the lowest bid received is deemed to be too high. If all bids are rejected, the requesting Department may be authorized to re-solicit bids, negotiate a contract for the purchase, or abandon the purchase.

3. Tie Bids

If two or more bids are received which are in all respects equal, the City Manager may accept the one deemed to be in the best interests of the City.

Change Orders

Purchase Orders represent a contract between the City and the Vendor. Any substantial change to a Purchase Order shall be documented as a change order. Change Orders shall be reviewed and approved by either the Finance Director or the City Manager. A purchase order may not be increased by more than 10% or \$100 whichever is less without a change order except for taxes, shipping and handling as discussed below.

In the event the purchase of supplies or services exceeds this limit, written authorization must be given to the vendor by the City Manager, Finance Director, or designee in order to proceed.

Taxes, shipping and handling may cause the purchase order to exceed the authorized purchase order amount. These items do not require a change order, even if they exceed 10% of the original purchase order amount.

This section does not apply to Change Orders for housing programs and public works and utility construction and/or improvement contracts. All public works and utility construction and/or improvement contracts in the amount of \$100,000 or more that require a Change Order, which results in either an increase or a deduction in the original contract amount, must be approved by the City Council. All housing program contracts that result in an increase in the original contract, including any contingency, shall be approved by the City Manager, if the Change Order exceeds 20% of the total contract.

Informal and Formal Bid Process

Except as otherwise exempted in the policy, supplies, services and equipment with an estimated value of \$2,500 to \$49,999 shall be purchased following an Informal Bid Process and purchases of \$50,000 or more shall be made following a Formal Bid Process.

To initiate the informal/formal bid process, the Department making the request shall provide specifications for the item to be purchased and documentation showing the existence of an unencumbered appropriation for the item in the current approved budget.

Informal bids may be posted at City Hall, mailed to prospective bidders a minimum of ten calendar days before the due date, or solicited over the phone. Formal bids shall be posted at City Hall and shall be published at least once in a newspaper of general circulation as required by State law, and, if applicable, in appropriate trade publications.

CITY OF CALEXICO

PURCHASING POLICY & PROCEDURES

The date of publication shall be at least ten days before the due date. All formal bids shall be sealed and shall be publicly opened and read at the date, time and place indicated in the published notice.

Bids shall be reviewed for compliance with specifications by the requesting Department. All deviations shall be fully documented by the requesting department and the impact of the deviations on the performance or suitability of the bid item shall be detailed. Staff will prepare and forward a recommendation for approval of purchase. Informal bids shall be approved by the City Manager. Formal bids shall be approved by the City Council.

Credit Card Usage

Under certain circumstances the use of a city credit card may be the most appropriate method for certain purchases. The following policies and procedures are established to insure internal control and timely payment of charges.

1. City bank, gasoline, vendor credit cards will be signed out on as as-needed basis to City Council or staff at the sole discretion of the Finance Department or the appointed designee, in accordance with internal control procedures. Failure to comply with established procedures may result in discontinuance of use by the employee/department.
2. Because of Internal Revenue Service (IRS) tax reporting requirements, except for Urgency Purchases, city credit cards may not be used to purchase services provided by vendors who are doing business as partnerships or sole proprietors. Examples of this include, but are not limited to:
 - a. Labor charges for auto repair
 - b. Plumbers
 - c. Construction contractors
3. City credit cards shall be available to the City Council and staff for the conduct of official City business included but not limited to the following purposes:
 - a. Gasoline purchases
 - b. Authorized travel expenses and hotel charges, which shall subsequently be documented on the travel reconciliation report
 - c. To charge the cost of meals when required in the conduct of official business except when an employee is traveling in a per diem basis
 - d. Other circumstances where the use of a credit card best meets the City's purchasing needs as determined by the Finance Director or the appointed designee
3. Only the City Manager, Finance Director and City Council are authorized to carry a bank credit card at all times. Gasoline cards and vendor credit cards may be signed out by an employee authorized to purchase items and may be distributed by that authorized employee to personnel under their supervision as long as that authorized employee later approves the receipt. Once the purchase is complete the credit card shall be returned.

CITY OF CALEXICO

PURCHASING POLICY & PROCEDURES

- 4. All receipts must be turned in when credit card is turned in.
- 5. No personal items shall be charged on any City credit card except those charges that might be incidental to another charge made on the card for travel or meetings. Whenever one of these personal charges is made on the City credit card, the charges will be reimbursed to the City when the travel is completed. Under no circumstances shall a single personal charge be made on a City credit card. Intentional use of the credit card for other than appropriate City use could be considered an attempt to commit fraud against the City of Calexico. Proof of such fraud could result in immediate cancellation of your credit card and disciplinary action against you under applicable City of Calexico Personnel Rules and Regulations. You will be personally liable to the City for the amount of any non-approved purchases. If you leave the City, you must return your credit card to the Finance Director prior to leaving.

Professional Consultant Selection

Selection of Consultants for Professional Services (General):

The following criteria shall be used to determine approval authority for Professional Consultant Service Contracts:

Contracts under \$2,500	Department Head Approval
Contracts of \$2,500 - \$49,999	City Manager Approval
Contract of \$50,000 or greater	City Council Approval

This policy specifically prohibits splitting a purchase to circumvent the limits set forth above.

The appropriate Department Head, with the approval of the City Manger shall prepare a scope of work consistent with budget and project authorization of the City Council. The Request for Proposal (RFP) shall outline the City requirements and project description. The list of solicited firms will be drawn from firms who, in the opinion of the Department Head, can perform the work. A Request for Qualifications may first be necessary if the required services are particularly specialized or if the qualifications of the available consultants are unknown. The list of solicited firms may be limited to a minimum of 3 to 5 due to time constraints or specialties involved.

The involved Department Head(s), who shall make a recommendation to the City Manager, shall conduct the initial review of proposals.

Qualifications should be the determining factor in the selection of a professional consultant. Staff shall then negotiate the final fee based upon the agreed scope of work.

Prior to approval of a contract, the Department Head shall conduct appropriate background and reference checks and ensure that adequate bonding or security, if required, is posted.

CITY OF CALEXICO

PURCHASING POLICY & PROCEDURES

Consultants shall comply with all regulations and laws dealing with conflict of interest disclosure and reporting. Consultants shall not be engaged if a conflict of interest exists.

Approval of "Additional Work" items shall comply with the cost limits.

Selection of Consultants for Professional Services for Continuing Services:

Professional firms providing engineering, land surveying, transit, planning, environmental, auditing, landscape architecture or other services may be retained on a continuing basis to provide professional services. The Department Head, with the approval of the City Manager may contract on a project-by-project or on a retainer basis for additional work/services without going through the RFP and selection process. At least every three years these arrangements shall be reviewed and every effort shall be made to receive proposals from at least three consultants to perform the same services. This is to ensure the city is receiving the best value in their service.

During the budget process the Finance Department shall make a written request to each Department Head to submit to the City Manager a list of consultants currently under contract by their department, setting forth name of firms, type of services, cost of contracts, length of contracts and date entered into, and the number of years retained by the City.

Exclusions

The provisions of this policy shall not apply:

1. To public works projects (governed by the provisions of the California Public Contracts Code);
2. To franchises (governed by the provisions of the California Utilities Code or other statute of the State of California);
3. Where State or Federal law requires a different procedure;
4. To franchises, rights, privileges, licenses and permits granted by the City;
5. To the purchase of insurance;
6. To the leasing, purchase or sale of land or any interest therein;
7. To the hiring of or contracting for personnel (whether as temporary, seasonal or permanent employees or agents)
8. To construction contracts other than public works projects;
9. To the purchase of utilities, including, but not limited to, telephone service, gas, electricity or water.

ORDINANCE NO. 1153

The City Attorney has prepared the following summary of Ordinance Number 1153.

The City of Calexico's Purchasing Policy establishes procedures for the purchases of goods and services and for contracts for professional services. It also sets the contract awarding authority of the City Manager and the City council based on the dollar amount of the contract. The Purchasing Policy also sets the minimum dollar amount of a contract that can be entered into before a formal bid process is required.

This Ordinance revises the Purchasing Policy to allow the City Manager to have contract awarding authority up to \$49,999. Further, the Ordinance revises the current Purchasing Policy to allow for informal bids for any purchases and contracts under \$49,999. Under the proposed Purchasing Policy, the formal bid process would be used for purchases of \$50,000 or more.

A copy of the ordinance is available for review in the City Clerk's Office at City Hall located at 608 Heber Avenue, Calexico, California. This ordinance was introduced at the regularly scheduled City Council meeting of January 21, 2014. It is scheduled for adoption at the regular meeting of February 18, 2014.

PURCHASING POLICIES LIMIT COMPARISON

CITY OF EL CENTRO	
Purchasing Agent (Finance Director)	Up to \$25,000
City Manager & Purchasing Agent	\$25,000 - \$50,000
Formal Bid Process with award made by both C.M. & P.A. C.M. has final decision.	

COUNTY OF IMPERIAL	
Purchasing Agent	Individual items up to \$5,000. Public Works contracts up to \$50,000
Executive Officer	\$100,000
Has authority to authorize and/or execute contracts and purchase and hold personal property necessary.	

CALEXICO UNIFIED SCHOOL DISTRICT	
Superintendent	Up to \$200,000

**CITY OF
EL CENTRO**

Sec. 2-168. - Purchasing officer—Appointed.

The director of finance, or in the alternative such other person as may be designated in writing by the city manager, shall be and is appointed to perform the functions of the purchasing officer for the city.

(Ord. No. 90-14, § 1; Ord. No. 07-16, § 1)

Sec. 2-169. - Same—Powers and duties.

The purchasing officer shall:

- (1) Purchase or contract for supplies, services and equipment required by any using agency or department in accordance with purchasing procedures prescribed by this division, such administrative rules and regulations as the purchasing officer shall adopt for the internal control and operation of the purchasing function and such other rules and regulations as shall be prescribed by the council or city manager;
- (2) Prepare and adopt administrative rules and regulations not in conflict with the provisions of this ordinance for the purpose of carrying out the requirements and intent of this purchasing system.
- (3) Negotiate and execute contracts for the purchase of supplies, services and equipment;
- (4) Procure for the city the needed quality in supplies, services and equipment at least expense to the city;
- (5) Encourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
- (6) Prepare and recommend to the council rules governing the purchase of supplies, services and equipment for the city;
- (7) Prepare and recommend to the council revisions and amendments to the purchasing rules;
- (8) Keep informed of current developments in the field of purchasing, prices, market conditions and new products;
- (9) Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations;
- (10) Insure that all supplies, services and equipment purchased conform with specifications;
- (11) Recommend to the city manager or city council, as appropriate, the transfer of surplus or unused supplies and equipment between agencies or departments as needed and the sale of all supplies and equipment which cannot be used by any agency or which become unsuitable for city use;
- (12) Maintain a bidder's list.
- (13) Recommend to the council the disqualification for a stated period of time vendors who default on their quotations.
- (14) Consider the possibilities of buying "in bulk" so as to take full advantage of discounts.
- (15) Have the right to waive any defect or informality with the approval of the using department or agency.

(Ord. No. 90-14, § 1; Ord. No. 07-16, § 1)

Sec. 2-173. - Contracts for \$50,000.00 or less.

Except as otherwise provided by specific statute.:

- (1) The purchasing officer may enter into a contract of any nature without advertising when the estimated amount required to perform the contract is twenty-five thousand dollars (\$25,000.00) or less.
- (2) Contracts of between twenty-five thousand dollars (\$25,000.00) and fifty thousand dollars (\$50,000.00) will require both the city manager's and purchasing officer's approval and shall be let by the administrative bid process set forth herein:
 - a. The purchasing officer may mail notices inviting formal bids. The notices shall be mailed to all qualified vendors on the bid list or who have requested their name to be added thereto unless the product or service is proprietary.
 - b. The notices to the fullest extent possible should be mailed no later than ten calendar days before the opening date of the bids. The notices shall describe the commodities or services in general terms, how to obtain more detailed information, and state the time and place for submission of bids. Failure of any person to receive such notice shall not invalidate any bid awarded.
 - c. A notice inviting bids shall be published at least ten (10) calendar days before the date of opening of the bids. Notice shall be published in a newspaper of general circulation, printed and published in the city, or, if there is none, it shall be posted in at least three (3) public places in the city.
 - d. Such notice must state:
 1. The nature, character or object of the contract.
 2. If the plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.
 3. The time and place where bids will be received and opened.
 4. Such other matters as may properly pertain to giving notice to bid.
 - e. Sealed bids shall be submitted to the city clerk and shall be identified as a bid on the envelope. The bid must include an original signature of an authorized person.
 - f. Bids shall be opened in public by the city clerk or designee at the time and place stated in the public notices.
 - g. Contracts shall be awarded by the city manager and purchase officer to the lowest responsible bidder except as otherwise provided in this chapter. The decision of the city manager shall be final.
 - h. In their discretion, the city manager and purchase officer may reject any or all bids presented, abandon the purchase or re-advertise. A permanent record of all requests for bids and all bids received shall be maintained. If no responsible bid is received, the city manager and purchasing officer may let the contract without further competitive bidding.
 - i. If two (2) or more bids received are the same and lowest, the city manager and purchase officer may accept the one it chooses.
 - j. If no bids are received, the contract may be let in the open market, or by the informal procedures set forth in section 2-173.
 - k. The city manager and purchase officer shall have the right to waive any defect or informality in the bidding or in the procedures set forth in this section. No defect or informality shall void any contract entered into.
 - l. In the event no responsible bids are received, the city manager and purchase officer may let the contract without competitive bidding.

- (3) If the estimated amount required to perform the contract, is more than five thousand dollars (\$5,000.00) but not more than twenty-five thousand dollars (\$25,000.00), requests for bids may be submitted in writing or verbally to two (2) or more persons or businesses capable of performing the contract. If the bid was received verbally, the department head must submit a written memo documenting the request and bids received. The contract shall be issued to the lowest responsible bidder. The purchasing officer shall maintain a permanent record of all requests for bids and all bids received. If no responsible bid is received, the purchasing officer may let the contract without further competitive bidding.
- (4) Nothing in this section prohibits the purchasing officer from advertising for or requesting bids regardless of the estimated amount to perform the contract.
- (5) The council may, from time to time, modify the monetary limits in this section by resolution.

(Ord. No. 90-14, § 1; Ord. No. 07-16, § 1)

Sec. 2-174. - Contracts for more than \$50,000.00.

- (a) Purchases and contracts for supplies, services, equipment and the sale of surplus property of estimated value greater than fifty thousand dollars (\$50,000.00) shall be let by the formal procedures set forth herein.
 - (1) The purchasing officer shall mail notices inviting formal bids. The notices shall be mailed to all qualified vendors on the bid list or who have requested their name to be added thereto unless the product or service is proprietary.
 - (2) The notices to the fullest extent possible should be mailed no later than ten (10) calendar days before the opening date of the bids. The notices shall describe the commodities or services in general terms, how to obtain more detailed information, and state the time and place for submission of bids. Failure of any person to receive such notice shall not invalidate any bid awarded.
 - (3) A notice inviting bids shall be published at least ten (10) calendar days before the date of opening of the bids. Notice shall be published in a newspaper of general circulation, printed and published in the city, or, if there is none, it shall be posted in at least three public places in the city.
 - (4) Such notice must state:
 - a. The nature, character or object of the contract.
 - b. If the plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.
 - c. The time and place where bids will be received and opened.
 - d. Such other matters as may properly pertain to giving notice to bid.
 - (5) Sealed bids shall be submitted to the city clerk and shall be identified as a bid on the envelope. The bid must include an original signature of an authorized person.
 - (6) Bids shall be opened in public by the city clerk or designee at the time and place stated in the public notices.
 - (7) Contracts shall be awarded by the council to the lowest responsible bidder except as otherwise provided in this chapter. The decision of the council shall be final.
 - (8) In its discretion, the council may reject any bids presented, abandon the purchase or readvertise. If all the bids submitted are rejected, the council may either readvertise or adopt a resolution by a four-fifths (4/5) majority declaring that the materials or supplies can be furnished

at a lower price in the open market and away award the contract in the open market without further complying with this section.

- (9) If two (2) or more bids received are the same and lowest, the council may accept the one it chooses.
 - (10) If no bids are received, the contract may be let in the open market, or by the informal procedures set forth in section 2-173.
 - (11) The council shall have the right to waive any defect or informality in the bidding or in the procedures set forth in this section. No defect or informality shall void any contract entered into.
 - (12) In the event no responsible bids are received, the council may let the contract without competitive bidding.
 - (13) The council may modify, from time to time, the monetary limits in this section by resolution.
- (Ord. No. 90-14, § 1; Ord. No. 07-16, § 1)

**COUNTY OF
IMPERIAL**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF IMPERIAL
COUNTY EXECUTIVE OFFICER DELEGATION OF AUTHORITY
RESOLUTION NO. 2013-069**

WHEREAS, pursuant to Imperial County Code sections 2.20.010-040, the Imperial County Board of Supervisors ("Board") has appointed a County Executive Officer ("CEO") who, subject to the direction of the Board, is responsible for administering County business; and

WHEREAS, the Board has authority to enter into certain service contracts pursuant to California Government Code sections 23005; and

WHEREAS, in the interest of efficient use of resources and to assure the timely preparation and execution of contracts needed to carry out responsibilities of the County, the Board desires to delegate the authority to enter into certain agreements to the CEO; and

WHEREAS, the public was given an opportunity to comment on such delegation of authority during open session at the August 13, 2013 Board of Supervisors regular agenda meeting.

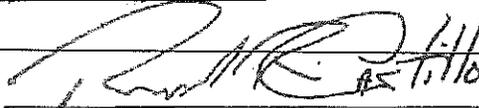
NOW, THEREFORE, BE IT RESOLVED that the Imperial County Board of Supervisors hereby finds that the delegation of certain authority to the County Executive Officer will provide for more efficient and cost effective governing and thereto, delegates authority to the CEO to make and execute or ratify any contract pursuant to California Government Code Section 23004 (c) including but not limited to the to acceptance grant funding, services or other benefit to the County subject to the following:

1. The authority delegated to the CEO to execute or ratify any agreement pursuant to California Government Code section 23004 (c) is limited to and shall not exceed \$100,000.
2. The CEO shall, upon exercising of the delegated authority:
 - a. Obtain from County Counsel approval as to form of the Contract; and
 - b. Submit an executed copy of the agreement to the Clerk of the Board for placement on the next regular meeting agenda of the Board of Supervisors as an informational item.

PASSED AND ADOPTED by the Board of Supervisors, County of Imperial, State of California, on this 13th day of August, 2013 by the following vote:

Renison, Terrazas, M. Kelley, R. Kelley, Castillo


Blanca Acosta, Clerk of the Board
County of Imperial, State of California


Raymond R. Castillo, Chairman
Imperial County Board of Supervisors



GOVERNMENT CODE - GOV

TITLE 3. GOVERNMENT OF COUNTIES [23000 - 33205] (*Title 3 added by Stats. 1947, Ch. 424.*)

DIVISION 1. COUNTIES GENERALLY [23000 - 23732] (*Division 1 added by Stats. 1947, Ch. 424.*)

CHAPTER 1. General [23000 - 23027] (*Chapter 1 added by Stats. 1947, Ch. 424.*)

A county may:

23004. (a) Sue and be sued.

(b) Purchase, receive by gift or bequest, and hold land within its limits, or elsewhere when permitted by law.

(c) Make contracts and purchase and hold personal property necessary to the exercise of its powers.

(d) Manage, sell, lease, or otherwise dispose of its property as the interests of its inhabitants require.

(e) Levy and collect taxes authorized by law.

(*Amended by Stats. 1947, Ch. 829.*)

**CALEXICO UNIFIED
SCHOOL DISTRICT**

CALEXICO UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 10-06-13

**DELEGATION OF AUTHORITY TO PAY AND SIGN PROPER
LEGAL BILLS, BILLINGS, INVOICES, AND ORDERS UNDER
SPECIFIC LIMITATIONS**

October 22, 2013

WHEREAS. The Governing Board is authorized in Education Code section 35161 to delegate any of its statutory powers or duties to the Superintendent of the District or any other management employee of the District

WHEREAS. Education Code section 42632 authorizes the Governing Board to authorize the Superintendent of the District and/or any other management employee pursuant to Board Policy No. 3314.3 to sign "orders" drawn on the funds of the District.

WHEREAS. The Governing Board now desires to specifically delegate to the Superintendent of the District and/or also the Assistant Superintendent of Business Services of the District the authority to pay proper and legal bills, billings, invoices, and orders submitted to the District without prior or subsequent approval by the Governing Board; and also now desires to specifically authorize the Superintendent and/or the Assistant Superintendent of Business Services to sign the necessary orders so that proper and legal payment may be made in response to such bills, billings, invoices and orders to the District.

NOW, THEREFORE, BE IT RESOLVED THAT

The Governing Board hereby specifically delegates to the Superintendent of the District and the Assistant Superintendent of Business Services of the District the authority to pay proper and legal bills, billings, invoices, and orders submitted to the District without prior or subsequent approval by the Governing Board under the limitations of this Resolution.

BE IT FURTHER RESOLVED THAT

The Superintendent and/or the Assistant Superintendent of Business Services, within their discretion, are hereby authorized to pay proper and legal bills, billings, invoices, and orders submitted to the District without prior or subsequent approval by the Governing Board under the limitations of this Resolution which shall include all of the following:

1. Each and every payment of any bill, billing, invoice or order authorized and signed shall be consistent with the current adopted Budget in the District. This means that each and every payment shall be consistent with the amounts budgeted in any major classification of the current adopted Budget in the District.

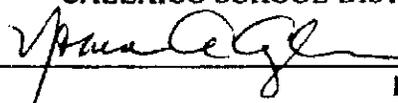
2. The Superintendent and Assistant Superintendent of Business Services shall exercise great care and diligence with regard to each and every payment of any bill, billing, invoice or order, and shall adhere to established, careful business practices.
3. Each and every payment and signing of each and every proper and legal bill, billing, invoice and order shall be consistent with all Board Policies in the District and all actions by the Governing Board.
4. Each and every monthly payment, or possible alternate payment, schedule of more than a month, under this Resolution shall have an absolute maximum amount of \$200,000.00 dollars. Multiple payments shall not be utilized to exceed this absolute maximum amount with regard to any regular or monthly bill, billing, invoice or order.
Payments for the following purpose will be exempt of the maximum amount limitation: Medical, Dental, Vision, Long Term Disability & Life insurance, Voluntary Deduction Insurances, Worker's Compensation, Certificate of Participation payments, Liability insurance, and Payroll Taxes.
5. No payment shall be made under any contract or agreement unless such contract or agreement was authorized and entered into lawfully and consistent with established Board Policies and practices in the District.
6. The Superintendent and/or Business Manger shall report to the Governing Board at its next regular meeting as an information item each and every payment and signing under this Resolution.
7. This Resolution shall not be in effect during any time when the District is operating without an approved Budget, or during any time when the County Superintendent has stay and rescind authority over actions by the District.

BE IT FURTHER RESOLVED THAT

The Superintendent and/or the Assistant Superintendent of Business Services and also are authorized to sign the necessary orders so that proper and legal payment may be made in response to such bills, billings, invoices and orders to the District:

PASSED AND ADOPTED this 22nd day of October 2013.

CALEXICO SCHOOL DISTRICT

 10/25/13
President

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