

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 12 OF THE SALINAS MUNICIPAL CODE RELATED TO THE DELEGATION OF PURCHASING AUTHORITY FOR GENERAL PURCHASES AND PUBLIC WORKS PURCHASES

City Attorney Impartial Analysis

This Ordinance amends sections of Article III of Chapter 12 of the Salinas Municipal Code to provide the City Manager with authority to make general purchases and public works purchases up to the amount of two hundred-fifty thousand dollars, subject to the City's procurement processes. General Purchases and public works purchases above that amount continue to require City Council approval.

BE IT RESOLVED BY THE CITY COUNCIL OF SALINAS AS FOLLOWS:

SECTION 1. Section 12-20 of the Salinas Municipal Code is hereby amended to read as follows:

Subject to specific limitations stated in this article, and except as may otherwise be specifically provided in this article, the Purchasing Agent shall have the following powers and duties:

- (a) He or she shall be the sole agent for the City in contracting for supplies, materials, equipment, and contractual services. This authority may be delegated in writing where necessary with the approval of the City Manager.
- (b) He or she shall prepare and maintain a current purchasing manual for the direction and information of users and the public.
- (c) He or she shall prepare or supervise preparation of written specifications and advertising.
- (d) He or she shall advertise and award bids as authorized.
- (e) He or she shall execute purchase orders and changes thereto.
- (f) He or she shall inspect or supervise the inspection of delivered items to ensure adherence to specifications and standards.
- (g) He or she shall maintain and control a central stores inventory on a revolving fund arrangement.
- (h) He or she shall purchase only when funds are available.
- (i) He or she shall edit and issue specifications for all bids or quotations.

SECTION 2. Section 12-21 of the Salinas Municipal Code is hereby amended to read as follows:

Sec. 12-21. General purchases or public works purchases in excess of two hundred-fifty thousand dollars..

- (a) General Purchases. Except as otherwise directed by the City Council or pursuant to subsection (b) of this section, whenever the amount to be expended for any purchase is in

excess of two hundred-fifty thousand dollars the Purchasing Agent shall advertise for sealed bids and the contract of purchase shall be awarded to the lowest responsible bidder.

- (b) Public Works Purchases. For public works purchases, except as otherwise directed by the City Council, whenever the amount to be expended for any purchase is in excess of two hundred-fifty thousand dollars, the Purchasing Agent shall advertise for sealed bids and the contract of purchase shall be awarded to the lowest responsible bidder. The two hundred-fifty thousand dollar limit set forth above shall automatically adjust annually to reflect the construction cost index percentage change as published by the Engineering News Record. In no event shall the adjusted limit be less than one hundred thousand dollars.
- (c) Bid Solicitation. Bid solicitation requests made pursuant to subsection (a) or (b) shall be published in a local newspaper of general circulation describing the goods and services required, stating the date, time, and place assigned for the public opening of the bids. No bids will be received at any time subsequent to the time indicated in the announcement. The Purchasing Agent shall submit a tabulation of bids to the City Council together with recommendations for award to the lowest responsible bidder.
- (d) Rejection of Bids. The council, City Manager, and/or the Purchasing Agent shall have authority to reject any and all bids.

SECTION 3. Section 12-22 of the Salinas Municipal Code is hereby amended to read as follows:

Sec. 12-22. General purchases or public works purchases for less than two hundred-fifty thousand dollars.

All purchase orders or contracts for services, materials, equipment, or supplies involving general purchases or public works purchases of two hundred-fifty thousand dollars or less, may be approved by the City Manager. The two hundred-fifty thousand dollar limit set forth in this section shall automatically adjust annually, with respect to general purchases to reflect the change in the April Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward areas, and with respect to public works purchases to reflect the construct cost index percentage change as published by the Engineering News Record. In no event shall the adjusted limit be less than two hundred-fifty thousand dollars. These contracts shall be let in the open market in a manner calculated to ensure the best interests of the public, after solicitation for quotations by mail, telephone, or competitive negotiation by the Purchasing Agent. In the solicitation for competitive quotations, the Purchasing Agent shall contact as many local sources of supply as reasonable for the solicitation.

SECTION 4. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith are hereby repealed as of the effective date of this ordinance.

SECTION 5. Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

SECTION 6. CEQA Compliance. The City Council's adoption of this ordinance is not a project subject to environmental review under the California Environmental Quality Act (CEQA)

Guidelines Section 15061(b)(3) because it would not have a significant effect on the environment. Additionally, the City Council’s adoption of this ordinance is exempt because it does not meet the definition of a “project” under CEQA, pursuant to CEQA Guidelines sections 15060(c)(1) and 15378(a), because it has no potential to result in a direct or reasonably foreseeable physical change in the environment.

SECTION 7. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. Effective Date. This ordinance will take effect thirty (30) days from and after its adoption.

This Ordinance was INTRODUCED on the 19th day of November 2024, and was PASSED AND ADOPTED on the _____ day of _____ 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbly Craig, Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Barajas, City Clerk