



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: ORD 24-009

March 26, 2024

Introduced: 3/6/2024

Current Status: Agenda Ready

Version: 1

Matter Type: Ordinance

Adopt an ordinance amending Section 2.32.035 of the Monterey County Code to raise the contract authority of the County Counsel, District Attorney, and Public Defender to engage independent contractors for all legal services and expert specialized services provided to the County to an amount not to exceed \$200,000 consistent with the authority of the Purchasing Agent.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

Adopt an ordinance amending Section 2.32.035 of the Monterey County Code to raise the contract authority of the County Counsel, District Attorney, and Public Defender to engage independent contractors for all legal services and expert specialized services provided to the County to an amount not to exceed \$200,000 consistent with the authority of the Purchasing Agent.

SUMMARY/DISCUSSION:

On March 12, 2024, the Board of Supervisors introduced and waived reading of the ordinance and advanced the ordinance for consideration of adoption at the meeting on March 26, 2024, at 10:30 a.m.

Current state law (California Government Code Section 25502.5) permits a board of supervisors to authorize the county purchasing agent to approve contracts engaging independent contractors to perform services in an amount not exceeding \$200,000 without action by the board of supervisors. Chapter 2.32 of the Monterey County Code (“Code”) addresses the duties of the County’s Purchasing Agent including the Purchasing Agent’s contract authority to engage independent contractors and, at Section 2.32.035, also addresses the contract authority of the County Counsel, District Attorney, and Public Defender for contracts relating to the duties of those offices.

Prior to December 2022, the contract authority of all the above-described officials was limited to an amount not to exceed \$100,000 as previously permitted by Government Code Section 25502.5. The Government Code was amended effective in 2019 to raise the not to exceed amount to \$200,000, and the Board of Supervisors amended the Code in December 2022 to raise the Purchasing Agent’s contract authority, but the contract authority of the County Counsel, District Attorney or Public Defender was not adjusted.

The County Counsel, District Attorney, and Public Defender can more efficiently engage independent contractors to perform legal services relating to their statutory duties by raising their contract authority to a not to exceed amount of \$200,000 consistent with the authority of the Purchasing Agent.

Legistar File Number: ORD 24-009

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office approved the ordinance as to form. Also, the County Administrative Office and Contracts/Purchasing Officer support the recommendation.

FINANCING:

There is no fiscal impact per se with this item; however, it will result in more contracts being approved by the County Counsel, District Attorney and Public Defender, and fewer contracts being presented to the Board of Supervisors for approval.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This action provides for more efficient processing of certain County contracts.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared and Approved by:

DocuSigned by:

59C53228975B42A...
Susan K. Blich, Acting County Counsel, Ext. 5161

Attachments:

- Exhibit A: Draft ordinance amending Monterey County Code Section 2.32.035 (clean-signed)
- Exhibit B: Draft ordinance amending Monterey County Code Section 2.32.035 (redline)