



County of Monterey

Item No.77

Board Report

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

Legistar File Number: 24-716

November 12, 2024

Introduced: 10/30/2024

Current Status: General Government -
Consent

Version: 1

Matter Type: General Agenda Item

Introduce, waive reading, and set December 3, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Section 2.32.035 of the Monterey County Code to include “annual” in the contract authority of the Offices of District Attorney, Public Defender, and County Counsel to engage independent contractors to perform services for the County and the offices thereof where the annual aggregate cost does not exceed \$200,000.

RECOMMENDATIONS:

It is recommended that the Board of Supervisors introduce, waive reading, and set December 3, 2024, at 10:30 a.m. as the date and time to consider adoption of an ordinance amending Section 2.32.035 of the Monterey County Code to include “annual” in the contract authority of the Offices of District Attorney, Public Defender, and County Counsel to engage independent contractors to perform services for the County and the offices thereof where the annual aggregate cost does not exceed \$200,000.

SUMMARY/DISCUSSION:

California Government Code section 25502.5 authorizes signature authority on an *annual* aggregate basis. Currently, the Monterey County Code (“Code”) does not include the annual basis language. Recommending the Board adopt an ordinance to amend the Code will include the annual basis language in the Code in order to facilitate better administration of the Code, to minimize ambiguity in the Code, and to align the Code with Government Code sections 25500-25509.

Government Code sections 25500-25509 authorize the Board of Supervisors to employ a Purchasing Agent and such assistants as are necessary to properly fulfill the duties of the position. Effective in 2019, Government Code section 25502.5 permits counties having a population of 200,000 or more for the county’s board of supervisors: a) to authorize the purchasing agent to engage independent contractors to perform services for the county or county officers, with or without furnishing materials, when the annual aggregate cost does not exceed \$200,000; and b) to establish rules and regulations to effectuate the purpose of the section.

On December 15, 2022, the Board of Supervisors approved an amendment to Paragraph F of Section 2.32.030 of the Code to increase the signature authority of the Purchasing Agent to engage independent contractors to perform services for the County and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed \$200,000.

On March 26, 2024, the Board of Supervisors approved to amend Section 2.32.035 of the Monterey

County Code to match the signature authority of the Purchasing Agent for the Offices of County Counsel, District Attorney, and Public Defender to two hundred thousand dollars (\$200,000).

The proposed amendment to the Code would amend Section 2.32.035 to increase the authority of the Offices of County Counsel, District Attorney, and Public Defender to engage independent contractors to perform services for the County to \$200,000 annually in the aggregate. The amendment would simply add the word “annually”. Staff recommends this change so the County can more efficiently engage necessary contractors for its purposes by authorizing the *annual* aggregate cost not to exceed \$200,000 as authorized by state law. "Annually" will mean the one-year period from the effective date of the agreement.

OTHER AGENCY INVOLVEMENT:

The Administrative Office, the Office of County Counsel, the District Attorney’s Office, and Public Defender’s Office concur in the recommendation. County Counsel’s Office has reviewed the ordinance as to form.

FINANCING:

This action has no financial impact not otherwise incurred by the County.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

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

Mark a check to the related Board of Supervisors Strategic Initiatives

Economic Development

Administration

Health & Human Services

Infrastructure

Public Safety

Prepared by: Shane E. Strong, Deputy County Counsel, x 3558

Approved by: Kelly L. Donlon, County Counsel, x 5313

Attachments:

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