

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA,
AMENDING SECTION 2.32.030 OF THE MONTEREY COUNTY CODE TO MODIFY
CONTRACTING AUTHORITY LIMITS TO THE ANNUAL AGGREGATE**

County Counsel Summary

This ordinance amends Section 2.32.030 of the Monterey County Code (“Code”) to increase the authority of the County Purchasing Agent to engage independent contractors to perform services for the County to \$200,000 annually in the aggregate. Currently, the Code gives the County Purchasing Agent \$200,000 in the aggregate during the life of the agreement. 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 California Government Code section 25502.5.

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. California Government Code sections 25500 - 25509 authorize a county board of supervisors to employ a purchasing agent and such assistants as are necessary to properly fulfill the duties of the position.

C. California Government Code section 25502.5 authorizes the board of supervisors for counties having a population of 200,000 or more to: a) 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) establish rules and regulations to effectuate the purpose of the Section.

D. Subsection F of Section 2.32.030 of the Monterey County Code currently authorizes the County 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, subject to certain limitations set forth in the Section. Unlike California Government Code section 25502.5, this provision is silent whether the \$200,000 is annual or during the life of the agreement.

E. 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.

F. The adoption of this ordinance is not a project under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) because it is an organizational activity of government that will not result in a direct or indirect physical impact on the environment.

SECTION 2. Subsection F of Section 2.32.030 of the Monterey County Code is amended to read as follows:

F. Engage independent contractors to perform services for the County and the offices thereof with or without the furnishing of material where the annual aggregate cost does not exceed two hundred thousand dollars (\$200,000.00); provided, however, that the foregoing shall not apply to contracts for:

1. The construction or repair of any building or structure enumerated in Section 25450 of the Government Code;
2. Work upon the public roads of the County;
3. Election supplies;
4. Expert services to be rendered to the offices of the District Attorney, County Counsel or Public Defender;
5. Legal services;
6. Services associated with the conduct of litigation (as defined in California Government Code Section 54956.9(c)) to which the County, or a public entity for which the Board of Supervisors is the legislative body ("County related entity"), is a party;
7. Services associated with the prosecution of cases by the District Attorney, or the defense of cases by the Public Defender;
8. Appraisers' services;
9. Consultants and other experts employed directly by the Board of Supervisors; or
10. Other services which, by law, some other officer or body is specifically authorized to or charged with obtaining, unless and until the officer or body has requested the Purchasing Agent to enter into such contract, and in such event the contract limits shall be that limit imposed by law upon the officer or body.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4. This ordinance shall become effective on the thirty-first day following its adoption.

PASSED AND ADOPTED on this ____ day of _____, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Glenn Church, Chair
Monterey County Board of Supervisors

A T T E S T

VALERIE RALPH
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:

KELLY L. DONLON
Assistant County Counsel