

*Regional Conservation Authority***INTRODUCTION OF ORDINANCE NO. 08-02,
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE WESTERN
RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING
PURCHASING POLICY FOR SUPPLIES, MATERIALS, OR EQUIPMENT****Staff Contact:**

**Honey Bernas, Director of
Administrative Services
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Background:

The purpose of this Ordinance is to establish efficient procedures for the purchase of supplies, materials or equipment at the lowest possible price commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases. RCA staff believes it is appropriate to adopt a purchasing policy that reflects highly ethical and professional standards in the management of its resources, and ensure that supplies, materials or equipment are acquired in a uniform manner.

Executive Committee and Staff Recommendations:

That the RCA Board of Directors:

- 1) Introduce Ordinance 08-02, *An Ordinance of the Board of Directors of The Western Riverside County Regional Conservation Authority Adopting Purchasing Policy for Supplies, Materials, or Equipment*, and after reading the title of the Ordinance, waive further reading;
- 2) Authorize the Clerk of the Board to publish a summary of the proposed Ordinance and post a certified copy of the proposed Ordinance in the Clerk's office at least five days prior to the September 8, 2008 Board meeting;
- 3) Authorize staff to agendize this matter for the September 8, 2008 Regular Meeting of the RCA Board of Directors to vote on the Ordinance;
- 4) Recommend that the Board vote to adopt Ordinance No. 08-02 at the September 8, 2008 Regular Meeting of the RCA Board of Directors; and

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- 5) Authorize the Clerk to publish a summary of the Ordinance with the names of the Board members voting for and against the Ordinance within 15 days after adoption of the Ordinance.

Attachment:

Ordinance No. 08-02, An Ordinance of The Board of Directors of The Western Riverside County Regional Conservation Authority Adopting a Purchasing Policy for Supplies, Materials, or Equipment

AGENDA ITEM NO. 8.2

ATTACHMENT 1

Ordinance No. 08-02, Adopting a Purchasing Policy for Supplies, Materials, or Equipment

ORDINANCE NO. 08-02

AN ORDINANCE OF THE BOARD OF DIRECTORS OF
THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ADOPTING A
PURCHASING POLICY FOR SUPPLIES, MATERIALS, OR
EQUIPMENT

WHEREAS, the Western Riverside County Regional Conservation Authority (“Authority”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“JPA”); and

WHEREAS, pursuant to Section 19 of the JPA, the Authority has the power to adopt such rules and regulations as the Board may deem necessary for the conduct of the Authority's affairs; and

WHEREAS, the Authority adopts purchasing policies and procedures pursuant to Government Code section 54201 *et seq.*; and

WHEREAS, the Authority seeks to adopt a purchasing policy that reflects highly ethical and professional standards in the management of its resources, and ensure that supplies, materials or equipment are acquired in a uniform manner at the best possible cost commensurate with the quality needed.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS:

SECTION 1. The Authority hereby adopts the following purchasing policies and procedures:

A. Purpose

The purpose of this Ordinance is to establish efficient procedures for the purchase of supplies, materials or equipment at the lowest possible price commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, to assure the quality of purchases, and to assure that supplies, materials or equipment are acquired in a uniform manner.

B. Budget Approval

All purchases of supplies, equipment, or materials to be paid by the Authority must adhere to requirements outlined below. Funding to purchase supplies, equipment or materials should be accounted for within each year's fiscal budget whenever possible and the Board's approval of the budget shall constitute approval of such purchases. If there has been no prior budgetary approval, action to proceed with any particular contract(s) should be presented for Board approval unless it is a contract pursuant to Section 1(C) of this Ordinance.

C. Purchases of \$50,000 or Less

The Authority's bylaws authorize the Executive Director, after consultation with the Chairperson, to approve contracts up to \$50,000. In such cases, the Executive Director rather than the Authority may approve these contracts.

D. Purchases in Excess of \$50,000

The purchase of supplies, materials, or equipment not included in the budget with an estimated value in excess of \$50,000 requires prior authorization by the Board of Directors. In addition, it shall be the practice of the Authority to encourage the use of comparative pricing. However, when not practical, it shall not be required.

E. Disposal of Surplus Supplies, Materials, or Equipment

All sales of surplus supplies, materials, or equipment which has become obsolete or unusable, when the estimated value shall exceed \$5,000 shall be sold by formal written contract or at a public auction to the highest possible bidder, after due notice inviting proposals and bidders. Each determination that supplies, materials, or equipment has become surplus property shall be in writing. Surplus property may not be purchased by a Board Member or an employee, except at public auction.

F. Emergency Purchases

In the case of emergencies, the Board of Directors or its authorized designee may secure in the open market, at the lowest obtainable price, supplies, materials, or equipment required if circumstances reasonably warrant prior to the next scheduled Board meeting. Emergencies are defined as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential services.

G. Conflict of Interest

No Board Member or employee of the Authority shall have any financial interest in the transaction of business in connection with the purchase of supplies, materials or equipment for the Authority. No Board Member or employee of the Authority shall participate in the procurement or selection process when such Board Member or employee has a relationship with a person or business entity seeking a contract under this Ordinance, which would subject such officer or employee to violation of the Government Code.

H. Exceptions

This purchasing policy shall not apply to any public works contracts nor shall it apply to contracts for supplies, materials, or equipment for any such "public project" subject to the Public Contract Code.

SECTION 2: If any provision or clause of this Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 3. Effective Date. This Ordinance shall become effective thirty (30) days after its adoption.

PASSED AND ADOPTED at the regular meeting of the Board of Directors at the Western Riverside County Regional Conservation Authority held this ____ day of _____, 2008.

By: _____
Eugene Montanez, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

By: _____
Honey Bernas, Clerk
Western Riverside County
Regional Conservation Authority