



**CITY OF WESTMINSTER
PUBLIC NOTICE
ADOPTED ORDINANCE NO. 2590**

NOTICE IS HEREBY GIVEN that on September 28, 2022, the City Council of the City of Westminster duly passed and adopted an Ordinance entitled:

ORDINANCE NO. 2590

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, AMENDING SPECIFIED PROVISIONS OF TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.44 (PURCHASING SYSTEM) OF THE WESTMINSTER MUNICIPAL CODE

WHEREAS, the City Council desires to amend Section 3.44.080 of the Westminster Municipal Code (WMC) in order to update the spending authority limits of the city manager with respect to the purchase of services, supplies and equipment; and

WHEREAS, the City Council would also like to update the language in WMC Section 3.44.150 (Emergency contracting and purchases), in order to provide the city manager with the ability to make emergency purchases in situations where it is determined to be necessary for the preservation of the public health, safety, life or property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTMINSTER DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 3.44.080 of the Westminster Municipal Code is hereby deleted, and the following is substituted in its place:

3.44.080 Bidding, contracting and purchasing procedures for services, supplies and equipment.

A. For all purchases made pursuant to this section that are less than or equal to \$3,500, the purchasing agent or department head may effectuate the purchase by way of check request, credit card payment or wire transfer. The purchasing agent or department head making a purchase under this section shall make sure that the proper account number is used in connection with the purchase and that the funds required are available prior to the purchase. Unless required by the vendor, requisitions for \$3,500 or less will not be issued a purchase order.

B. For purchases made pursuant to this section valued at more than \$3,500 but not more than \$15,000, an approved purchase order is required prior to the time of purchase. Department heads shall complete a requisition form and submit it to the purchasing agent. Requisitions are not due until such time prior to actually requiring the service or purchase.

C. For purchases made pursuant to this section valued at more than \$15,000 but not more than \$100,000, at least two bids and a purchase order approved by the City Manager are required prior to the time of purchase.

D. For purchases made pursuant to this section valued at more than \$100,000 but not more than \$200,000, at least two bids, an approved purchase order, an agreement signed by the city manager, and city council approval are required prior to the time of purchase.

E. For purchases made pursuant to this section valued at more than \$200,000, formal bidding and city council approval are required prior to the time of purchase with the exception of legal fees as outlined below in subsection (F).

F. The city manager is authorized to approve, execute and bind the City to contracts up to, and within the constraints, of the current fiscal year approved "LEGAL FEES" budget for all legal services, including expert and consultant services in connection with existing and anticipated litigation and/or claim defense or prosecution, and other such related matters, including, but not limited to, expert witnesses, arbitrators, mediators, court transcripts,

court reporters, process servers, private investigators, court filing and messenger services and other legal support services. The city manager shall provide the city council with regular updates on all matters necessitating a significant amount of legal services. Purchases that exceed the approved "LEGAL FEES" budget require a budget adjustment and approval of the city council.

G. Except as otherwise provided by law, and where no federally restricted grant funds are used, the following purchases of services, supplies and equipment shall be by negotiated contract without requiring a bidding process:

1. Contracts for professional services, such as contracts with accountants, auditors, attorneys, plan checkers, inspectors, surveyors, architects, engineers, CEQA consultants, information systems consultants, financial consultants, election services consultants, public relations consultants and related activities, negotiation for or acquisition of land, insurance, bonds or any other similar contracts, subject to the requirements in Sections 4526 through 4529.5 and Section 37103 of the Government Code.
2. The day-to-day operation of the city's self-insurance or insurance retention programs are exempt from these requirements, when performed in cooperation with the city's risk manager.
3. Contracts where a commodity or service is offered by only one vendor, or when only one vendor is able to supply a commodity within the time frame or under terms or conditions which reasonably meet the needs of the city (sole source). Prior approval of the city manager shall be required.
4. Contracts where the purchase is procured pursuant to a competitively bid contract awarded by another city or public agency.
5. Where the services, supplies and equipment are procured by participation in any purchase under a Federal General Service Administration (GSA) contract, California Multiple Award Schedule Contract (CMAS), leverage purchase agreement, or similar agreement or process utilizing a valid competitive bidding process. The contract must be approved by the city council upon a finding that the proposed contract offers the best pricing. Whenever possible, the proposed contract should be based on at least three bids from contractors identified on the applicable schedule. Since such contracts only establish a maximum price that can be charged, the city's agents shall attempt to negotiate a lower price from the selected contractor(s) whenever possible.
6. Other exceptions allowed by law.

SECTION 2. Section 3.44.150 of the Westminster Municipal Code is hereby deleted, and the following is substituted in its place:

3.44.150 Emergency contracting and purchases.

A. Notwithstanding any other provisions of this chapter to the contrary, emergency purchases in an amount up to two hundred thousand dollars (\$200,000) may be approved by the city manager or his designee without the need for formal bidding. A full report of the circumstances of any emergency purchase in excess of fifty thousand dollars (\$100,000) shall be filed with the City Council at its next regular meeting. An emergency purchase is defined to mean the immediate purchase of any materials, supplies, equipment or other services, which has been determined by the city manager to be necessary for the preservation of the public health, safety, life or property.

B. With respect to public projects, in the event of an emergency, if notice for bids to let contracts will not be given, the city shall comply with Chapter 2.5 of the Public Contract Code, commencing with Section 22050.

SECTION 3. The remainder of Chapter 3.44 shall continue in full force and effect, except as specifically amended by this ordinance.

SECTION 4. REVIEW OF PURCHASING LIMITS. The city council shall review the City's purchasing policy limits upon any change to the city manager position.

SECTION 5. SEVERABILITY. If any section, subsection, clause or phrase or portion of this code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of all other provisions of this ordinance.

The Mayor and City Council hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, sentence, clause and phrase or portion thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses, or phrases or portions thereof be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign as to the passage, approval, and adoption of this Ordinance.

SECTION 7. The Interim City Clerk shall certify that the Mayor and City Council introduced and conducted first reading on the 14th day of September 2022. The Interim City Clerk further certifies that the Mayor and City Council at its Regular Meeting on the 28th day of September 2022, conducted second reading, passed, and adopted Ordinance No. 2590 and shall affix their signature and City Seal and that same shall be entered into the Book of Ordinances.

SECTION 8. This Ordinances will be published in accordance with State Law.

PASSED, APPROVED, AND ADOPTED this 28th day of September 2022.

CITY OF WESTMINSTER

TRI TA
MAYOR

ATTEST:

LUCIE COLOMBO, CMC, CPMC
INTERIM CITY CLERK

APPROVED AS TO FORM:

CHRISTIAN BETTENHAUSEN,
CITY ATTORNEY

The City Council conducted second reading, passed, and adopted Ordinance No. 2588, as listed above with the following roll call to wit:

AYES: TA, MANZO, DO, HO, NGUYEN

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Motion carried, 5-0.

A certified copy of the complete text of the Ordinance is posted and may be read and reviewed at City Hall, City Clerk's Office, 8200 Westminister Boulevard, Westminister, and/or a copy may be obtained from the City Clerk at a nominal charge during posted business hours. The proposed ordinance will also be available on the City's website as part of the Agenda Packet at <https://www.westminster-ca.gov>.

/S/

Lucie Colombo, CMC, CPMC
Interim City Clerk of the City of Westminister

DATED: October 3, 2022
PUBLISHED: Westminister Herald Journal
October 6, 2022