

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE)
COUNTY OF SAN BENITO, AMENDING CHAPTER 5.09) Ordinance No.
“PURCHASING” OF TITLE 5 “FINANCE” OF THE SAN BENITO)
COUNTY CODE)
_____)

THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ORDAINS AS FOLLOWS:

Section 1. The definition of “Fixed Assets” in Section 5.09.002 “Definitions” of Chapter 5.09 of Title 5 of the San Benito County Code shall be amended to read as follows, with all other provisions of Section 5.09.002 remaining unchanged:

FIXED ASSETS. Any piece of tangible personal property having an estimated useful life of one calendar year or more, capable of being permanently identified as an individual unit of property, and belonging to one of the general classes of property considered a fixed asset in accordance with generally accepted accounting practices (i.e., equipment, machinery, vehicles, furnishings,) with an accounting value of \$5,000 or more.

Section 2: Subsections (B) and (C) of Section 5.09.004 of Chapter 5.09 of Title 5 of the San Benito County Code shall be amended to read as follows, with all other provisions of Section 5.09.004 remaining unchanged:

(B) *Professional service contracts.* To engage independent contractors to perform professional services through contracts for the county and offices thereof with or without furnishing of material where the aggregate cost does not exceed \$50,000. Contracts shall not be split between fiscal years to circumvent this dollar limitation.

(C) *Renewal/extension of contracts.* To renew or extend contracts for professional services that are critical to ongoing county projects provided the financial obligation falls within his or her purview of authority; and to renew or extend not more than one amendment to a Board approved contract in an additional amount not to exceed \$10,000 of the board approved contract.

Section 3. Subsection (B) of 5.00.006 “Assistant Purchasing Agent-Powers and Duties” of Chapter 5.09 of Title 5 of the San Benito County Code shall be amended to read as follows, with all other provisions of Section 5.09.006 remaining unchanged:

(B) *Professional service contracts.* To engage independent contractors for professional services through contracts where the cost does not exceed \$10,000 where funding has been approved and budgeted in their department budget. Contracts shall not be split between fiscal years to circumvent this dollar limitation.

Section 4. Subsection (A) of Section 5.09.11 “Contractual Procedures” shall be amended to read as follows, with all other provisions of Section 5.09.11 remaining unchanged:

(A) All contracts, leases and any amendments or modifications, except as set forth below, shall be reviewed and approved as to legal form by the County Counsel's Office prior to execution of the Purchasing Agent, Assistant Purchasing Agents and/or Board of Supervisors. Contracts less than ten thousand dollars and work experience contracts shall not require legal review, but shall be reviewed by County Counsel’s designee, such as a Paralegal, Legal Secretary or the Risk Management Department. All signatures as to legal form by County Counsel or designee may be by original, faxed, or emailed signature.

SECTION 5:

A. Severability. If any section, subsection, sentence, clause, portion, or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, portion, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid or unconstitutional.

B. Codification. Sections 1-4 of this ordinance shall be codified. The remaining portions of this ordinance shall not be codified.

C. Captions. The titles and headings of this ordinance and the sections hereunder are not part of this ordinance and shall have no effect upon the construction or interpretation of any part thereof.

D. Effective Date. This ordinance shall become effective sixty (30) days after adoption. Prior to the expiration of fifteen (15) days from the adoption thereof shall be published at least one time in a newspaper of general circulation in San Benito County, with the names of the Supervisors voting for or against the same.

In regular session of the Board of Supervisors of the County of San Benito introduced on the 7th of May, 2019, and adopted this 21st day of May, 2019 by the following vote:

AYES: Supervisor(s)

NOES: Supervisor(s)

ABSENT OR NOT VOTING:

Mark Medina,
Chair, Board of Supervisors

ATTEST:

APPROVED AS TO LEGAL FORM:

Janet Slibsager, Clerk of the Board

San Benito County Counsel

By: _____
Clerk of the Board

By: _____
Barbara Thompson
County Counsel