

ORDINANCE NO. 1863

**ORDINANCE AMENDING CHAPTER 3.08 REGARDING
PURCHASING AND THE PURCHASING AGENT; AND AMENDING SECTIONS 10.04.020,
10.16.010, 10.16.030, 12.08.040, 12.08.060, 12.12.010, AND 17.64.030 TO CHANGE “ROAD
COMMISSIONER” TO “DIRECTOR OF TRANSPORTATION & PUBLIC WORKS”**

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

SECTION I. Chapter 3.08 (Purchasing—Purchasing Agent) is hereby amended as follows:

**Chapter 3.08
PURCHASING—PURCHASING AGENT**

Sections:

- 3.08.010 Purpose.**
- 3.08.020 Purchasing agent office established.**
- 3.08.030 Definitions.**
- 3.08.040 Duties of purchasing agent.**
- 3.08.050 Requisitions.**
- 3.08.060 Sufficient funds required.**
- 3.08.070 Delegation of purchasing duties.**
- 3.08.080 Emergency purchases.**
- 3.08.090 Purchase of contract items by the board.**
- 3.08.100 Acceptance of gratuities prohibited.**
- 3.08.110 Inspection of delivered purchases--Report.**
- 3.08.120 Routing of merchandise billing.**
- 3.08.130 Procedure for inviting and awarding bids--Designated.**
- 3.08.140 Initiating steps.**
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- 3.08.160 Call for bids--Publication.**
- 3.08.170 Opening bids.**
- 3.08.180 Awarding or rejecting bids.**
- 3.08.190 Executing contract.**
- 3.08.200 Dispensing with bids.**
- 3.08.210 Disclosure of bids prior to opening--Prohibited.**
- 3.08.220 Compliance with state code.**
- 3.08.230 Stores account established.**
- 3.08.240 Sales of surplus personal property.**
- 3.08.250 Surplus pool.**
- 3.08.260 Standards committee.**
- 3.08.270 Records and regulations--Location and access.**
- 3.08.280 Purchases made contrary to chapter provisions.**

3.08.010 Purpose.

The purpose of this chapter is to establish the office of purchasing agent in Amador County and thereby secure for the taxpayers the advantages and economies which will result from centralized control over the expenditures of county funds for supplies, materials, equipment and contractual services, from the application of modern business-like methods to such expenditures and from better utilization of the articles procured at public expense. (Ord. 420 §100, 1969).

3.08.020 Purchasing agent office established.

Pursuant to the provisions of Section 25500 of the Government Code of the state, the office of purchasing agent of the county is established. (Ord. 420 §200, 1969).

3.08.030 Definitions.

A. "Agency" and "using agency" mean any of the departments, offices or other organizational units

of the county government and any special district whose affairs and funds are under supervision and control of the board of supervisors and of which the board is ex officio the governing body.

B. "Bid" means an offer, as a price quotation, specifically given to the county upon its request or invitation to bid, usually in competition with other vendors.

C. "Bidder's list" means a current file of sources of supply of articles for each category of commodities purchased for county use.

D. "Contractual services" means any and all telephone, gas, water, electric light and power services; the rental of equipment and machinery and all types of agreements under which the contractor provides services required by the county but not furnished by its own officers or employees.

E. "Department" means any of the offices, departments or other organizational units of the county government.

F. "Department head" means the officer in charge of a department of the county government.

G. "Formal bid" means a written bid secured by the purchasing agent for the county by advertising, and delivered to the board in a sealed envelope and opened publicly at a specified time and date in a regular open board meeting for selection by the board.

H. "Informal bid" means a bid secured by the purchasing office, usually in the form of a telephone quotation or mail, and referred to the purchasing agent for selection.

I. "Local bidder" means a firm or an individual who regularly maintains a place of business and transacts business in, or maintains an inventory of merchandise for sale in the county.

J. "Responsible bidder" means a bidder who submits a responsible bid; who has furnished, when requested, information and data to prove that his financial resources, production or service facilities, service reputation and experience are adequate to make satisfactory delivery of the supplies, materials, equipment or contractual services on which he bids, and who has not violated or attempted to violate any provisions of this chapter.

K. "Supplies, material and equipment" means any or all articles or things which shall be furnished to or used by any department or agency of the county.

L. All other terms used in this chapter shall be construed to mean as defined in the Glossary of Terms in the Purchasing Handbook (Aljean) McGraw-Hill, 1958. (Ord. 420 §300, 1969).

3.08.040 Duties of purchasing agent.

The purchasing agent shall:

A. Have the duties and powers prescribed by laws or the state relating to county purchasing agents, this chapter and the resolutions and policies of the board of supervisors;

- B.** Be the head of the purchasing department;
- C.** Furnish the board of supervisors such reports and information as said board may require;
- D.** Establish methods and procedures for the efficient and economical functioning of the purchasing department;
- E.** Purchase for the county all materials, supplies, furnishings, equipment, livestock and other personal property of whatever kind or nature in amounts or estimated amounts of seventy-five thousand dollars, or less, and submit to the board for award and thereafter execute contracts for purchase of supplies, equipment and contractual services in excess of seventy-five thousand dollars. Except as otherwise provided in this chapter, purchase of personal property by any person other than the purchasing agent, or his designated representative, shall not be binding upon the county or constitute a lawful charge against any county funds with exceptions only as specified in subsection F of this section and Section 3.08.070 of this chapter;
- F.** Rent for the county and its departments all personal property with the exception of road equipment and machinery which the director of transportation & public works is authorized by law to rent for county use;
- G.** Negotiate and execute for the county as lessee, rentals of real property which the county may require;
- H.** Engage independent contractors to perform sundry services for the county and the offices thereof with or without the furnishing of material where the aggregate does not exceed seventy-five thousand dollars, as permitted under Section 25502.3 of the Government Code; provided, however, that this shall not apply to contracts to print legal briefs or legal notices, contracts for court reporters' services or the preparation of transcripts of evidence, contracts for service from public utilities, contracts for expert services to be rendered the office of the district attorney, county counsel or sheriff, contracts for appraisers' services, contracts for consultants and other experts employed directly by the board, contracts for insurance or contracts for other services which by law some other officer or body is specifically charged with obtaining or when exempt by law or specific order of the board;
- I.** Engage independent contractors to repair any of the buildings or structures mentioned in Section 20121 of the Public Contract Code of the state and purchase furnishings, materials and supplies for use in such construction or repair without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by Public Contract Code Section 20120 et seq., where the aggregate cost of all furnishings, materials, labor and supplies for use of such construction does not exceed six thousand five hundred dollars as provided in Section 20131 of the Public Contract Code;
- J.** Employ independent contractors to perform work on county highways where the aggregate cost of all furnishings, materials, labor and supplies for use of such construction does not exceed twenty-five thousand dollars as provided in Section 20394 of the California Public Contract Code;

K. Sell any personal property belonging to the county and found by the board not to be required for public use; or he may, when purchasing personal property, accept advantageous trade-in allowance for such property not further required for public use; or he may authorize the sale of books by the Friends of the Library organization;

L. Transfer from one county department to another, personal property. Such transfer shall be made only with the approval of the heads of both the donating and the receiving departments. The purchasing agent shall maintain a pool of extra equipment and shall make it available to any department having a need. The purchasing agent shall report all such transactions to the auditor. (Ord. 1696 §§1--4, 2010; Ord. 1440 §1(part), 1997; Ord. 1268 §1(part), 1991; Ord. 779 §§1, 2, 1982; Ord. 501 §§4, 5, 1974; Ord. 478 §1, 1972; Ord. 420 §400, 1969).

3.08.050 Requisitions.

All purchases, including purchases from central stores, rentals and contracts, shall be made only upon proper written requisition on forms provided the purchasing agent, unless otherwise authorized by the purchasing agent. (Ord. 1071 §2, 1985).

3.08.060 Sufficient funds required.

No requisition shall be issued until the requisitioning department has ensured that sufficient money is available in the proper budgeted fund to pay for the purchase. (Ord. 1071 §4, 1985).

3.08.070 Delegation of purchasing duties.

The purchasing agent may delegate, in writing, his or her authority to perform specified duties and responsibilities to a subordinate director or manager, or to another department head. The purchasing agent may rescind such delegation by providing written notice at any time. (Ord. 420 §503, 1969).

3.08.080 Emergency purchases.

Emergency purchases may be made by any person or official authorized to sign requisitions when the purchasing agent or authorized representative is not immediately available and the item or items so purchased are immediately necessary for the continued operation of the office or department involved or are immediately necessary for preservation of health, life or property. Such emergency purchases shall be subsequently confirmed by the purchasing agent or if he refuses such confirmation, the board may subsequently approve and confirm such purchase by a majority vote of the members present at any regular meeting. Unless such purchases are so approved and confirmed by either the purchasing agent or the board, the costs thereof shall not constitute a legal charge against the county. (Ord. 420 §504, 1969).

3.08.090 Purchase of contract items by the board.

When deemed advisable the board may contract with one person or firm to supply all the needs of the county or specified department or departments thereof for designated items for a stated period of time. When entering into such a contract, the board shall follow the procedures set forth in Section 3.08.130 of this chapter or such other procedure as they may determine. (Ord. 420 §505, 1969).

3.08.100 Acceptance of gratuities prohibited.

The acceptance of gratuities in the form of cash, merchandise or any other thing of value by an officer or employee of the county from a vendor or contractor shall be cause for disciplinary action.

(Ord. 420 §506, 1969).

3.08.110 Inspection of delivered purchases--Report.

Department heads receiving merchandise deliveries from a vendor shall be responsible to inspect such merchandise without delay and report to the purchasing agent any deficiencies, deviations from purchase order specifications or damage in shipment. The receiving department head may request the assistance of the purchasing agent in making such inspections. (Ord. 420 §507, 1969).

3.08.120 Routing of merchandise billing.

In order that the purchasing agent may insure receipt of proper merchandise by current model number, proper pricing, taxing and discounts, all billings from vendors to the county shall be routed to the office of the purchasing agent. In the event that a bill is misrouted by a vendor to an individual department, said department will forward the billing to the purchasing office without delay. The purchasing officer will annotate receipt of the billing and return to the respective department head immediately. (Ord. 420 §508, 1969).

3.08.130 Procedure for inviting and awarding bids--Designated.

The procedure for letting a contract for furnishing supplies, materials, equipment or services to the county in excess of seventy-five thousand dollars, and such other contracts and sales as the board of supervisors may designate shall be as designated in Sections 3.08.140 through 3.08.220. (Ord. 1268 §1(part), 1991: Ord. 420 §600, 1969).

3.08.140 Initiating steps.

The purchasing agent shall initiate the procedure by developing specifications for the items to be furnished, and by fixing a time and place for opening bids. (Ord. 1268 §1(part), 1991: Ord. 420 §601, 1969).

3.08.150 Call for bids--Contents.

The purchasing agent shall publish a call for bids stating the general nature of the items to be supplied, that specifications and bid forms are available at the office of the purchasing agent, that sealed bids will be received by the purchasing agent prior to the time for opening bids, and the date, time and place that bids will be opened. (Ord. 1440 §1(part), 1997: Ord. 1268 §1(part), 1991: Ord. 420 §602, 1969).

3.08.160 Call for bids--Publication.

The call for bids shall be published in two successive issues of a newspaper of general circulation in the county; the first publication shall be at least ten days prior to the date fixed for opening bids. (Ord. 420 §603, 1969).

3.08.170 Opening bids.

At the time fixed for opening bids, the purchasing agent shall publicly open the bids received and announce the name of each bidder. The purchasing agent shall return unopened any bid received after the time fixed for opening bids with the notation that the bid was filed too late. The purchasing agent shall

review the bids, compute and determine lowest responsible bidder and prepare a summary report and recommendation on bid award for the board. (Ord. 420 §604, 1969).

3.08.180 Awarding or rejecting bids.

During the current regular board meeting, the board shall consider the bids received and shall either:

- A. Reject all bids;
- B. Award the contract to the lowest responsible bidder;
- C. Continue the matter until the next regular meeting or at such date as the board may determine, but not to exceed forty-five days.

The board shall also consider the quality of the items offered and their conformity to the specifications, transportation charges, delivery, discount terms and conditions attached to the bid, and any other information required to prove the bidder's responsibility. (Ord. 1617 §2, 2005).

3.08.190 Executing contract.

After awarding the bid, and before performance by the successful bidder, a written contract may be executed by the board on behalf of the county and the successful bidder, as deemed appropriate by circumstances. As a general rule, the county purchase order form shall serve as a contract with the successful bidder, providing all preceding steps on award of bids have been observed and the official minutes of the board of supervisors reflect the action taken by the board. (Ord. 420 §606, 1969).

3.08.200 Dispensing with bids.

The board may dispense with the bidding procedures required by this chapter and make the purchase or contract with any firm or person on such terms as it deems advisable, when and if the board finds by a vote of at least four members of the board, that competitive bidding would not be in the public interest because of emergency or because of the unique nature of the property or service required, or in any case when bidding is not required by law. Such findings and the reasons therefor shall be recorded in the minutes of the board meeting. (Ord. 1125 §2, 1987).

3.08.210 Disclosure of bids prior to opening--Prohibited.

Any disclosure or acquisition by a competitive bidder of the contents of any bid, prior to the opening of the bid, shall render proceedings void and shall require readvertising for bids. (Ord. 420 §608, 1969).

3.08.230 Stores account established.

There is established, in the office of the purchasing agent, a stores account budgeted in such an appropriate amount as the board may from time to time establish, such appropriation to be known as the "stores account." The purchasing agent may purchase supplies, materials and equipment in quantity to be issued to the several offices and departments of the county as needed and shall make payments therefor out of said account. As such supplies, materials and equipment are issued to an office or department, the cost of said supplies, materials and equipment shall be charged to the budget of the

using department. (Ord. 420 §700, 1969).

3.08.240 Sales of surplus personal property.

In the sale of any personal property belonging to the county, except as otherwise authorized herein, and found by the board not to be required for public use, as authorized in Section 3.08.040 K of this chapter, the purchasing agent shall, after determination of surplus of items by the board, observe the publication method set out in Section 3.08.150 of this chapter and further shall post notices of sales of surplus property for not less than five business days preceding the day of sale in the County Court House and in the office of the purchasing agent.

In the sale of any books belonging to the county and found by the purchasing agent not to be required for public use, the purchasing agent shall have the authority to authorize sale of said books in the annual book sale held by the Friends of the Library. (Ord. 1440 §1(part), 1997: Ord. 420 §800, 1969).

3.08.250 Surplus pool.

When any item of personal property is no longer needed by the office, department or institution in possession thereof, such facts shall be reported to the purchasing agent who may transfer such items to a surplus pool to be maintained under the supervision of the purchasing agent, and whenever any office, department or institution is in need of an article which has been placed in such surplus pool or has requisitioned the purchase of a similar article, the purchasing agent may, upon a properly drawn request for transfer or requisition, transfer the article to such department as prescribed by Section 3.08.040 L of this chapter. (Ord. 420 §900, 1969).

3.08.260 Standards committee.

The purchasing agent may organize a "Standards Committee" as needed to establish standards with respect to the type, design, quality or brand of an article or group of related articles or services to be purchased by the county. The membership of such committee shall be the purchasing agent, who shall serve as chairman, and the heads of any county office or department that is a primary user of the item or group of items for which the committee is appointed. Any member of such a committee may act through a representative designated for him. (Ord. 420 §1000, 1969).

3.08.270 Records and regulations--Location and access.

The location of purchasing records and regulations developed pursuant to the provisions of this chapter shall be in the office of the purchasing agent of the county. All such records and regulations include, but are not restricted to, this chapter, bid documents, tabulation of bids, purchase orders and requisitions, and shall be open and available for perusal by all members of the public and county departments. (Ord. 420 §1100, 1969).

3.08.280 Purchases made contrary to chapter provisions.

If any office, department or agency purchases or contracts for any supplies, materials, equipment or contractual services contrary to the provisions of this chapter, such purchase or contract is void and of no effect. The head of the office, department or agency making such purchase transaction shall be personally liable for the amount of such purchase or contract and if already paid out of county funds, the amount thereof may be recovered in the name of the county, in an appropriate action. (Ord. 420 §1200, 1969).

SECTION II. Sections 10.04.020 (Traffic orders--Establishment) is hereby amended as follows:

10.04.020 Traffic orders--Establishment.

The director of transportation & public works of the county, or such other person as is otherwise designated by the board of supervisors, may make traffic orders establishing any of the following regulations:

- A. Regulating traffic by means of semaphores or other official traffic control devices;
- B. Designating particular streets as one requiring that all vehicles thereon be moved in direction;
- C. Closing any street or a portion of it,
- B. Designating particular streets as one-way streets and requiring that all vehicles thereon be moved in one specified direction;
- C. Closing any street or a portion of it, when in the opinion of the director of transportation & public works the street is no longer needed or cannot safely be used for vehicular traffic;
- D. Designating any street as a through street and requiring that all vehicles stop before entering or crossing the street;
- E. Designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersections;
- F. Prohibiting the use of particular streets by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code of the state;
- G. Establishing crosswalks between intersections;
- H. Regulating vehicular and pedestrian traffic on bridges or viaducts;
- I. Prohibiting the making of any turning movement by any vehicle at any intersection or between any designated intersections;
- J. Prohibiting the parking or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day;
- K. Declaring a prima facie speed limit of thirty, thirty-five, forty, forty-five, fifty, fifty-five or sixty miles per hour or a maximum speed limit of sixty-five miles per hour on any street other than a state highway otherwise subject to a prima facie speed limit of twenty-five miles per hour;
- L. Declaring a prima facie speed limit of sixty, fifty-five, fifty, forty-five, forty, thirty-five, thirty or twenty-five miles per hour on any portion of any street other than a state highway where the street is subject to a speed limit of sixty-five miles per hour;
- M. Regulating the installation and operation of mechanical devices for the control of vehicular and pedestrian traffic;
- N. Establishing weight limitations for vehicles traveling over city streets and bridges. (Ord. 360 §2, 1963).

SECTION III. Sections 10.16.010 (Erection of stop signs) and 10.16.030 (Erection if zone signs) are hereby amended as follows:

10.16.010 Erection of stop signs.

The board of supervisors by resolution designate and describe any street, road or highway or a portion thereof as a through street or any inter section of roads, streets or highways as an intersection which

vehicles are required to stop at one or more entrances thereto, the county director of transportation & public works shall erect and maintain stop signs on each and every street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required. Every such sign shall conform with and shall be placed as provided by the Vehicle Code of the state. (Ord. 274 §1, 1953).

10.16.030 Erection of zone signs.

Whenever the board designates any portion of any street or road or highway as a special zone such as a school, hospital or other zone by resolution, the county director of transportation & public works shall erect and maintain at the entrance to said zone, appropriate signs advising the traveling public of the type of zone. Every such sign shall conform with and shall be placed as provided by the Vehicle Code of the state. (Ord. 274 §3A, 1953).

SECTION IV. Sections 12.08.040 (Road base and blacktop) and 12.08.060 (Gutters and drains) are hereby amended as follows:

12.08.040 Road base and blacktop.

The base of all roads shall be constructed in the center of all rights-of-way. Such base shall be composed of such material and of such thickness as shall be recommended by an engineering analysis of the character of the soil and contemplated traffic, and said base shall be covered with a penetrating coat of oil and surfaced by a coat of blacktop at least two inches in thickness unless written permission for a modification of these specifications is obtained from the board upon the recommendation of the county director of transportation & public works. All materials used in such construction shall be approved in writing by the director of transportation & public works prior to their use. (Ord. 303 §1(2), 1959).

12.08.060 Gutters and drains.

All gutters and drains, including head walls, drop inlets and covers shall be constructed and installed according to the size and specifications required by the county director of transportation & public works. (Ord. 303 §1(4), 1959).

SECTION V. Sections 12.12.010 (Construction permit) is hereby amended as follows:

12.12.010 Construction permit.

No curb shall be cut or constructed and no sidewalk, gutter or apron to a driveway or a roadway shall be constructed along any of the roads, streets or highways in the county unless a permit has first been secured therefor from the director of transportation & public works. (Ord. 257 §1, 1951).

SECTION VI. Section 17.64.030 (Examination by various departments) is hereby amended as follows:

17.64.030 Examination by various departments.

The planning commission shall immediately transmit copies of the tentative map to the county surveyor, county engineer, director of transportation & public works, county health officer; public utilities serving the area proposed for subdivision; the officer or agency charged with providing fire protection for the area proposed for subdivision; and to other departments and agencies as it deems advisable. If any subdivision abuts upon a state highway, a copy of the tentative map shall be submitted to the district engineer, division of highways. Upon receipt of a copy of the tentative map, each department shall examine the map to ascertain if it conforms to the requirements coming within the authoritative scope of such department, and within ten days after receipt thereof each department shall, and each public utility may, make a written report thereon to the planning commission and to the subdivider. (Ord. 375 §18.3, 1965).

SECTION VII. A summary of this ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective thirty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 24th day of June 2025, by the following vote:

AYES: Jeff Brown, Patrick Crew, Brian Oneto, Dan Epperson, Logan Carnell

NOES: None

ABSENT: None



Jeff Brown, Chairman, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County, California


