



## Staff Report May 11, 2021

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**TO:** Honorable Mayor and Members of the Town Council  
**FROM:** Jeff Mitchell, Town Attorney  
**DATE:** May 11, 2021  
**RE:** Introduction and First Reading of an Ordinance Amending Chapter 3.12 of the Town Municipal Code to Increase the Town Manager's Contracting Authority for the Purchase of Supplies and Services

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### **Recommendation**

1. Introduce and read by title only an ordinance amending Chapter 3.12 of the Town Municipal Code to increase the Town Manager's contracting authority for the purchase of supplies and services.
2. Direct staff to bring the ordinance to the Town Council on June 8, 2021 for second reading and adoption.

### **Issue Statement and Discussion**

Chapter 3.12 of the Town Municipal Code establishes a purchasing system for the Town. The Town Manager is identified as the Town's "purchasing officer" and charged with overseeing the purchase of supplies, services, and equipment for the Town. Chapter 3.12 expressly authorizes the Town Manager, as purchasing officer, to approve certain contracts without Council action so long as the contracting procedures set forth in Chapter 3.12 are followed and, in the case of services, the funds for the work to be performed are identified in the Council-approved budget. The current limit on the Town Manager's spending authority is \$15,000 for the purchase of supplies, services, and equipment. Contracts in excess of \$15,000 must be approved by the Town Council.

The Council last increased this limit in 2015. (See, Ordinance 259.) At that time, staff reported that towns of similar sizes and characters to Loomis authorized their equivalent purchasing officer to spend up to \$50,000, sometimes more. These cities included Citrus Heights, Folsom, and Elk Grove. Thus, the Council approved an increase from \$5,000 to \$15,000.

At its April 2021 planning session, the Town Council discussed increasing the Town Manager's spending limit pursuant to Chapter 3.12 to \$50,000. Staff has determined that increasing the Town Manager's spending limit to \$50,000 is reasonable and common for a town of Loomis's size and character. This would improve staff's ability to efficiently and timely respond to Town needs, allow the Council to focus on other Town priorities, and also reflect the increase in the price of goods and services with each passing year.

The proposed amendments do not alter the requirement that funds for services must be included in the Council-approved budget. Further, the Town Manager will still be required to comply with the policies and procedures provided in Chapter 3.12 in order to authorize any contract, even if below the amended limit.

**CEQA Requirements**

This action does not constitute a "project" within the meaning of the California Environmental Quality Act, Public Resources Code section 21000, therefore does not require environmental review. Further, it can be seen with certainty that this action will have no foreseeable impact on the environment.

**Financial and/or Policy Implications**

Any contract authorized by the Town Manager pursuant to the proposed amendments will be in accordance the existing policies and procedures in Chapter 3.12. Any contract for services will also be in accordance with the existing requirement that the contract be within the Council-approved budget. Therefore, there are no clear financial or policy implications.

**Alternatives**

Do not introduce the ordinance and provide staff further direction, as appropriate.

**Attachment**

- A. ORDINANCE NO. \_\_ AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING CHAPTER 3.12 OF THE MUNICIPAL CODE – PURCHASING SYSTEM
- B. Ordinance 259

TOWN OF LOOMIS

ORDINANCE NO. \_\_

**AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING  
CHAPTER 3.12 OF THE MUNICIPAL CODE – PURCHASING SYSTEM**

Section 1: Amendments. Sections 3.12.070 and 080 of Chapter 3.12 of the Town of Loomis Municipal Code are hereby amended as follows:

3.12.070 Open market procedure.

Purchases of supplies and equipment in the amount of fifty (50) thousand dollars or less, and the sale of personal property of an estimated value in the amount of five thousand dollars or less, may be made by the purchasing officer in the open market pursuant to the procedure prescribed in this section and without observing the procedure prescribed in Section 3.12.050 or 3.12.060; provided, however, all bidding may be dispensed with when the total estimated value is less than one thousand dollars.

A. Minimum Number of Bids. Open market purchases or sales shall, whenever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder, if a purchase, or to the highest responsible bidder, if a sale.

B. Solicitation of Bids. The purchasing officer shall solicit bids by written requests to prospective vendors, by telephone and/or by public notices posted on a public bulletin board in the Town Hall.

C. Record Required. The purchasing officer shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the pricing of orders. This record, while so kept, shall be open to public inspection

3.12.080 Service contracts.

A. The town manager is authorized to make and execute written contracts on behalf of the town for contractual professional, technical and consulting services to be rendered to the town when: (1) the amount of compensation to be paid to the retained professional, technician or consultant thereunder does not exceed the sum of fifty (50) thousand dollars; and (2) funds are provided in the current town budget for the payments of such compensation, as approved by the town council.

B. Consultant Contracts Special Provision. Consultant contracts that will include public meetings shall include a clause in the notice inviting bids, and in the final contract, detailing how the consultant will provide public outreach and education and encourage public participation in the work that will be done for the town, and identify the cost thereof.

C. Consultant contracts that involve professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Price may be considered when selecting between firms that have first been determined to be competent and qualified

Section 2: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the Town of Loomis hereby declare that they would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

Section 3: Effective Date and Posting. This Ordinance shall take effect thirty (30) days after its adoption. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on May 11, 2021, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Town Clerk

# TOWN OF LOOMIS

## ORDINANCE NO. 259

### AN ORDINANCE OF THE TOWN OF LOOMIS AMENDING CHAPTER 3.12 OF THE MUNICIPAL CODE – PURCHASING SYSTEM

Section 1: Amendments. Sections 3.12.070 and 080 of Chapter 3.12 of the Town of Loomis Municipal Code are hereby amended as follows:

#### 3.12.070 Open market procedure.

Purchases of supplies and equipment in the amount of fifteen thousand dollars (\$15,000) or less, and the sale of personal property of an estimated value in the amount of five thousand dollars (\$5,000) or less, may be made by the purchasing officer in the open market pursuant to the procedure prescribed in this section and without observing the procedure prescribed in Section 3.12.050 or .060, provided, however, all bidding may be dispensed with when the total estimated value is less than one thousand dollars (\$1,000).

A. Minimum Number of Bids. Open market purchases or sales shall, whenever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder, if a purchase, or to the highest responsible bidder, if a sale.

B. Solicitation of Bids. The purchasing officer shall solicit bids by written requests to prospective vendors, by telephone and/or by public notices posted on a public bulletin board in the Town Hall.

C. Record Required. The purchasing officer shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the pricing of orders. This record, while so kept, shall be open to public inspection.

#### 3.12.080 Service contracts.

A. The town manager is authorized to make and execute written contracts on behalf of the Town for contractual professional, technical and consulting services to be rendered to the town when: (1) the amount of compensation to be paid to the retained professional, technician or consultant thereunder does not exceed the sum of fifteen thousand dollars (\$15,000), and (2) funds are provided in the current town budget for the payments of such compensation, as approved by the town council.

B. Consultant Contracts Special Provision. Consultant contracts that will include public meetings shall include a clause in the notice inviting bids, and in the final contract, detailing how the consultant will provide public outreach and education and encourage public participation in the work that will be done for the town, and identify the cost thereof.

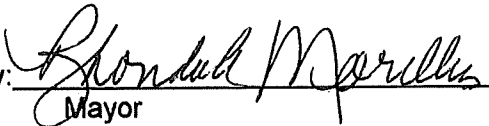
C. Consultant contracts that involve professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be awarded on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. Price may be considered when selecting between firms that have first been determined to be competent and qualified.

**Section 2: Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance for any reason shall be held to be invalid or unconstitutional, the decision shall not affect the remaining portions of the Ordinance. The Council of the Town of Loomis hereby declare that they would have passed this Ordinance and each article, section, subsection, paragraph, sentence, clause or phrase which is a part thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases are declared to be invalid or unconstitutional.

**Section 3: Effective Date and Posting.** This Ordinance shall take effect thirty (30) days after its adoption. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on March 17, 2015, and was ADOPTED AND ORDERED published and posted at a meeting of the Council held on the 14<sup>th</sup> day of April, 2015, by the following roll call vote:

AYES: Baker, Black, Morillas, Ucovich, Wheeler  
NOES: None  
ABSTAINED: None  
ABSENT: None

By:   
Mayor

ATTEST:

By:   
Town Clerk