

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE AMENDING CHAPTER
3.20 (PURCHASING, PROCUREMENT,
AND LEASING) OF THE FORT BRAGG
MUNICIPAL CODE**

ORDINANCE NO. 996-2024

WHEREAS, the express purpose of the purchasing policies and procedures is to establish efficient and effective processes for the purchase or lease of services, supplies, materials, and equipment at the lowest feasible cost commensurate with the level of quality required, to exercise financial control and accountability over purchases, and to clearly define authority for the purchasing function;

WHEREAS, Director of Finance has reviewed the current policy and has determined that the current limit imposed on the use of credit cards in Subsection (A)(3) of Section 3.20.050 (Procedures for Purchases of Less than or Equal to \$45,000) of Chapter 3.20 (Purchasing, Procurement, and Leasing) of the Fort Bragg Municipal Code (“Code”) is too stringent to satisfy the state purpose of the purchasing policy and is recommending the City Council adopt this ordinance to update said limits.

NOW, THEREFORE, the City Council determines, finds, and ordains as follows:

Section 1. Legislative Findings. The City Council hereby finds as follows:

1. The City of Fort Bragg Municipal Code Chapter 3.20 has been reviewed by staff, the Finance & Administration Committee and the City Attorney to identify inconsistencies and inaccuracies.
2. Chapter 3.20 is used extensively by City staff in determining what actions are required for purchasing of goods and services.
3. The Code needs to reflect current legislative actions of the City Council and the means by which the City is being operated and must support the stated purposes of the purchasing procedures and policies.
4. Certain provisions of the Code do not accurately reflect its current legislative intent nor are they consistent with the City Council’s intent as expressed elsewhere in the Code for the efficient operation of the City.
5. Amending Municipal Code Section 3.20.050(A)(3) of the Fort Bragg Municipal Code to increase the authority for use of the City credit card in the manner described in this ordinance is in the public interest for the aforementioned reasons.
6. There is no possibility that the adoption of this ordinance will have a significant impact on the environment, and therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

Section 2.

Subsection (A)(3) of Section 3.20.050 entitled **Procedures for Purchases of Less than or Equal to \$45,000** of Chapter 3.20 entitled **PURCHASING, PROCUREMENT, AND LEASING** of Title 3 entitled **Revenue and Finance** is hereby repealed in its entirety and replaced with the following:

3. Purchases made by credit card are limited to \$5,000.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

Section 4. Effective Date and Publication. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause a summary of said Ordinance to be published as provided in Government Code §36933, in a newspaper of general circulation published and circulated in the City of Fort Bragg, along with the names of the City Council voting for and against its passage.

The foregoing Ordinance was introduced by City Attorney, Baron Bettenhausen at a regular meeting of the City Council of the City of Fort Bragg held on August 12, 2024, and adopted at a regular meeting of the City of Fort Bragg held on September 9, 2024, by the following vote:

AYES: Councilmembers Albin-Smith, Godeke, Peters, Rafanan and Mayor Norvell.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSE: None.

Bernie Norvell
Mayor

ATTEST:

Diana Sanchez
City Clerk

PUBLISH: August 29, 2024 and September 19, 2024 (by summary)
EFFECTIVE DATE: October 9, 2024