

**ITEM 4.3**

**CITY MANAGER'S REPORT  
OCTOBER 9, 2023 CITY COUNCIL REGULAR MEETING**

**ITEM:** **SECOND READING AND ADOPTION OF ORDINANCE 23-448 OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.36 "PURCHASING SYSTEM", SECTION 2.36.110 "EXCEPTIONS TO PURCHASING PROCEDURES AND LIMITS" BY ADDING A NEW SECTION ("D") TO ALLOW COOPERATIVE PURCHASING AGREEMENTS**

**RECOMMENDATION:** **Waive Full Reading and Adopt Ordinance 23-448 Amending Title 2, Chapter 2.36 "Purchasing System", Section 2.36.110 "Exceptions To Purchasing Procedures And Limits" By Adding A New Section ("D") To Allow Cooperative Purchasing Agreements**

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**RECOMMENDED ACTION:**

The City Council to conduct a second reading and adopt Ordinance 23-448 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.36 "PURCHASING SYSTEM", SECTION 2.36.110 "EXCEPTIONS TO PURCHASING PROCEDURES AND LIMITS" BY ADDING A NEW SECTION ("D") TO ALLOW COOPERATIVE PURCHASING AGREEMENTS

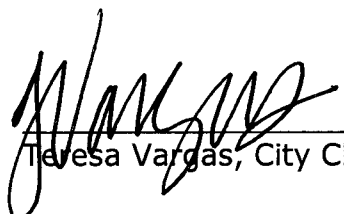
**SUMMARY:**

On September 11, 2023, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:

AYES: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal  
NOES: None  
ABSTAIN: None  
ABSENT: None

The Ordinance will take effect 30 days after adoption.

**SUBMITTED BY:**

  
\_\_\_\_\_  
Tevesa Vargas, City Clerk

9/28/23  
\_\_\_\_\_  
Date

## **ORDINANCE NO. 23-448**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2, CHAPTER 2.36 "PURCHASING SYSTEM", SECTION 2.36.110 "EXCEPTIONS TO PURCHASING PROCEDURES AND LIMITS" BY ADDING A NEW SECTION ("D") TO ALLOW COOPERATIVE PURCHASING AGREEMENTS**

**WHEREAS**, Cooperative purchasing agreements allow staff to timely procure goods, material and services while also meeting state and local government purchasing procedures; and

**WHEREAS**, Cooperative purchasing is the process of combining the buying power of multiple agencies to negotiate and purchase goods and services at lower prices. The idea behind this procurement method is that the City would not need to conduct its own competitive bidding process since one has already been conducted by an agency that follows strict government purchasing guidelines; and

**WHEREAS**, the City currently utilizes the California Multiple Award Schedule (CMAS) program to purchase fleet vehicles and heavy equipment, which is statutorily allowed by California Government Code § 54205; however, this program's selection of goods and services is somewhat limited; and

**WHEREAS**, California Government Code (GC) §§ 54202-54203, require local agencies to adopt an ordinance establishing policies and procedures, including bidding regulations, governing purchases of supplies and equipment by the local agency; and

**WHEREAS**, a Notice of Public Hearing was advertised in the Manteca Bulletin on August 30<sup>th</sup>, 2023; and

**WHEREAS**, staff requests that City Council hold a public hearing, consider all information and public testimony and, if determined to be appropriate, adopt an Ordinance amending Lathrop Municipal Code Title 2 "Administration and Personnel", Chapter 2.36 "Purchasing System", Section 2.36.110 "Exceptions to purchasing procedures and limits" by adding a new section ("D") to allow the City to utilize cooperative purchasing agreements; and

**WHEREAS**, this will give the City Manager, as the Purchasing Officer, the authority, where advantageous to the city, to use cooperative purchasing agreements approved by the City Council, to purchase supplies, equipment, and non-professional services through legal contracts of other government jurisdictions, or public agencies without separate competitive bidding by the city.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Lathrop does hereby ordain as follows:

Note: additions are shown below in underline font.

### Section 1.

Title 2 of the Lathrop Municipal Code, "Administration and Personnel" is hereby amended by amending Chapter 2.36 "Purchasing System", Section 2.36.110 "Exceptions to purchasing procedures and limits", to incorporate the changes as follows:

## **CHAPTER 2.36 PURCHASING SYSTEM**

### **2.36.110 Exceptions to purchasing procedures and limits.**

A. The contracting of service from other governmental agencies, sole source purchases and professional services shall be exempt from bidding procedures.

B. The contracting for the purchase of any item less than seventy-five thousand dollars (\$75,000.00), exclusive of sales or use tax, shipping, handling or delivery charges from other governmental agencies, sole source purchases, or from the Office of Procurement, Department of General Services of the state of California shall be exempt from the bidding procedures.

C. For any exemption to the procedures set forth in this chapter, the department head responsible for the purchase shall certify in writing to the purchasing officer the reason for the exemption claimed.

D. Without complying with the requirements of Sections 2.36.050, 2.36.060, and 2.36.140, the purchasing officer may participate in, use, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of any supplies, equipment, or service with one or more public procurement units in accordance with an agreement entered into between the participants. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended state and/or federal public procurement unit contracts which are made available to the city.

### Section 2.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

### Section 3. Severability.

If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date.

This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication.

Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code.

**THIS ORDINANCE** was introduced at a meeting of the City Council of the City of Lathrop on the 11<sup>th</sup> day of September, 2023, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the \_\_\_\_ day of \_\_\_\_ 2023, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Sonny Dhaliwal, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Teresa Vargas, City Clerk

\_\_\_\_\_  
Salvador Navarrete, City Attorney