



COBURG CITY COUNCIL

ACTION ITEM

Ordinance A-255

An Ordinance Repealing Ordinance A-91-C and Authorizing the Adoption of Public Contracting Rules and Spending Authority by Resolution

Meeting Date	Staff Contact	Email
March 12, 2024	Adam Hanks, City Administrator Sammy Egbert, City Recorder	Adam.Hanks@ci.coburg.or.us Sammy.Egbert@ci.coburg.or.us

REQUESTED COUNCIL ACTION

Staff, with contract legal service technical expertise and direction, is presenting an ordinance for consideration of approval of first reading that repeals and replaces the City of Coburg's existing public contracting rules currently set forth in Ordinance A-91c.

Suggested Motion

Council will hold the first reading reading Ordinance A-255 An Ordinance Repealing Ordinance A-91-C and Authorizing the adoption of Public Contracting Rules and Spending Authority by Resoluion.

BACKGROUND

Public Contracting for goods and services, professional services and public improvements are regulated by Oregon Revised Statutes (ORS). Various aspects of public contracting rules are regularly amended by the Oregon State Legislature requiring diligence at the local jurisdiction level to ensure that all locally adopted public contracting regulations comply with all relevant ORS provision amendments.

Some provisions of the state public contracting regulations provide for local decision making that is more stringent than state law. As state law is amended over time, local regulations need to be revised, repealed or otherwise made compliant with state law.

Staff, and legal counsel, is recommending some structural changes in how public contracting regulations are adopted at the local level. The current regulations are contained within Ordinance A-91-C entirely. In addition to a number of text changes proposed, staff is recommending that the regulations be separated between ordinance and resolution with the intention being that the overarching framework and "fixed" elements of public contracting be adopted via ordinance and the areas that most likely evolve with legislative amendments and local preferences be approved via resolution.

This results in the public contracting “framework” needing formal public hearing, multiple readings and expanded noticing as appropriate for significant regulatory changes. Items that fall more into the “fine tuning” and “business operations” category can be adjusted more efficiently and quickly through the resolution process.

This comprehensive updating of Coburg’s public contracting regulations was initiated by staff from two recent issues that arose. One related to bid award appeals language being inconsistent with state regulations, which made the appeal process difficult to navigate. Another relates to delegated spending authority, which staff is proposing be significantly adjusted upward for operational efficiency.

Both items are proposed to be resolved within the resolutions that are attached for reference, but will be formally reviewed, deliberated and approved concurrent with the second reading of this ordinance at the April 9, 2024 Council meeting.

RECOMMENDATION

Staff recommends holding the first reading of Ordinance A-255 and moving the ordinance to second reading at the April 9, 2024 Council meeting, along with the accompanying spending authority and amending of public contracting rules resolutions.

BUDGET / FINANCIAL IMPACT

Costs associated with adoption of the proposed ordinance authorizing public contracting rules and spending authority by resolution are limited to professional legal service fees currently appropriated in the Administration Department of the General Fund of approximately \$3,000.

PUBLIC INVOLVEMENT

The proposed Ordinance is available on the website and a printed copy is available at the front office as required by 2022 Coburg Charter. Notices were posted for tonights public hearing and the required legal notice will be published in the Register Guard prior to April 9, 2024 Council Meeting.

NEXT STEPS

Should Council approve this ordinance for first reading, the second reading will be scheduled for the April 9, 2024 Council meeting and the two associated resolutions (approval of purchasing rules and delegation of spending authority). Upon approval of the complete public contracting regulations (ordinance and resolutions), staff will conduct an internal training and develop any beneficial documents to assist with efficient compliance with the new regulations.

ATTACHMENTS

1. Draft Ordinance A-255
2. Draft Resolution 2024-02 Opting out of the Attorney General Model Public Contracting Rules and amending local public contracting rules (with associated Exhibit A – Findings in Support of Adoption)
3. Draft Resolution 2024-03 Establishing Purchasing Authority and Spending Limits for City of Coburg staff.