

## ORDINANCE NO. 26-263

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT AMENDING DISTRICT CODE TITLE 1, CHAPTER 8, SECTIONS 1-8-6 PURCHASING, 1-8-7 FORMAL CONTRACT PROCEDURE, AND 1-8-8 OPEN MARKET PURCHASES

The Board of Directors for the Bear Valley Community Services District does ordain as follows:

**SECTION 1. Findings.** The Board of Directors finds as follows:

A. It is in the District's interest to periodically review and adjust procurement and related procedures to remain compliant with local, state, and federal purchasing requirements.

B. It is more effective and efficient to remove the day-to-day procedures from District Code and place them in separate policies to enable greater ease in modifying them to meet changing business needs.

C. The recommended changes meet local, state, and federal purchasing requirements while enabling the District to operate in a fiscally responsible manner.

**SECTION 2.** Amendment to District Code Sections 1-8-6 through 1-8-8 of Chapter 8 of Title 1 of the Bear Valley Community Services District Code is amended in its entirety to read as follows:

**1-8-6: PURCHASING:**

- A. **Applicability:** This section shall apply to either contracts not covered by the Public Contract Code or contracts covered by the Public Contract Code only to the extent that the Public Contract Code does not provide guidance.
- B. **Centralized Purchasing System:** The district utilizes centralized purchasing to establish efficient procedures for the purchase of supplies, materials and equipment, and to secure for all departments of the district supplies, materials and equipment at the lowest possible cost commensurate with the quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing functions, and to assure the quality of purchases. Other than as described in section 1-8-9 of this chapter, there shall be no exemption from centralized purchasing and no district department shall be authorized to purchase or contract for the purchase of supplies, services or equipment independently.
- C. **Purchasing Agent:** The General Manager, or his or her designee, shall be the purchasing agent and shall be responsible for the purchase and sale of all

supplies, nonprofessional services, materials and equipment. The purchasing agent shall have the authority to make purchases per the district's purchasing policies as may be amended from time to time.

- D. Encumbrance Of Funds: The purchasing agent shall not issue any purchase order for supplies, materials or equipment unless there exists an unencumbered appropriation in the department or fund against which the purchase is to be charged. (Ord. 09-230, 1-8-2009).
- E. Purchases Made By Credit Card: Purchases made by credit card will be limited to items for which issuing a purchase order is impractical, such as travel expenses or online purchases, or if the vendor will not accept a purchase order. comply with district policies as may be amended from time to time(Ord. 11-235, 7-14-2011; amd. Ord. 23-255, 9-14-2023; amd. Ord. 26-263, 2-26-2026)

#### 1-8-7: FORMAL BIDDING PROCEDURE:

Except as otherwise provided in this chapter, purchases for public construction projects shall be by a written contract with the lowest possible and best bidder, pursuant to the procedures described in this section.

- A. Notice Inviting Bids: Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, and the time and place for opening bids.
- B. Publication And Mailing: The notice inviting bids shall be published at least ten (10) days before the opening of bids in a newspaper of general circulation in the district. The purchasing agent may establish and maintain a list of prospective bidders. The prospective bidders shall be listed on said list according to the service or product provided as indicated by the prospective bidder. It shall be the responsibility of prospective bidders to ensure that the list contains current information in respect to their address, service or product. The purchasing agent is authorized to mail invitations to bid directly to appropriate prospective bidders appearing on said list and to other prospective bidders.
- C. Bidder's Security: Each bid or proposal shall be required by the purchasing agent to be accompanied by a bidder's bond, certified or cashier's check, or cash in an amount determined by Public Contract Code. Bidder's security shall be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security, provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award has been mailed, unless and to the extent the district is responsible for the delay. The board of directors may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest and best bidder. If the board of directors awards the contract to the next lowest and best bidder, the amount of the lowest bidder's required security

shall be applied by the district to the difference between the low bid and second lowest bid, and the surplus, if any, shall be returned to the lowest bidder.

- D. Bid Opening Procedure: Sealed bids shall be submitted to the purchasing agent and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A record of the bids received shall be available for public inspection after bids have been opened, indicating the amounts bid by the various bidders and the basis for awarding the contract or purchase order if other than the lowest bidder. Such list shall be available for thirty (30) days after the award has been made.
- E. Rejection Of Bids: At its discretion, the board of directors shall have the power to reject any and all bids presented and readvertise for bids.
- F. Award Of Contracts: Contracts shall be awarded by the board of directors, by board order, to the lowest and best bidder except as otherwise provided herein.
- G. Tie Bids: If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the board of directors may accept the one it chooses, or accept the lowest bid made by negotiation with the tie bidders at the time of the bid opening.
- H. Performance Bonds: The board of directors shall have authority to require a performance bond before executing a contract in such amount as it shall find reasonably necessary to protect the best interests of the district. If the board requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 09-230, 1-8-2009; amd. Ord. 26-263, 2-26-2026)

#### 1-8-8: OPEN MARKET PURCHASES:

- A. Purchase of supplies, materials, equipment and nonprofessional services may be made by the purchasing agent in the open market, in accordance with district policies as may be amended from time to time.
- B. The purchase of professional services, such as architectural, landscape architectural, engineering, environmental, land surveying, legal, financial consultants or construction project management contractors shall be made based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required and in accordance with Government Code section 53060 as may be amended from time to time. (Ord. 09-230, 1-8-2009; amd. Ord. 23-255, 9-14-2023; amd. Ord. 26-263, 2-26-2026)

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 4. Environmental Quality Act.** This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and is not a project which has the potential for causing a significant effect on the environment. The approval of the code amendments in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical change in the environment. Any specific development project that may result from these changes will be subject to environmental review. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these District code amendments are exempt from review under CEQA and no further environmental review is necessary.

**SECTION 5. Effective Date.** The Secretary of the Board of Directors is directed to cause this ordinance to be published in the manner required by law. This Ordinance shall take effect and be enforced 30 days after its adoption.

**PASSED AND ADOPTED** by the Board of Directors of the Bear Valley Community Services District on the 26<sup>th</sup> day of February 2026, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Paul Paparella, Board President

ATTEST:

BY: \_\_\_\_\_  
Denise Jelleschitz, Secretary of the Board of Directors

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Palmer Hilton, District Counsel