

## **CITY OF YACHATS**

### **ORDINANCE NO. 333**

#### **AN ORDINANCE AMENDING YACHATS MUNICIPAL CODE CHAPTER 2.10, RELATING TO PUBLIC CONTRACTING AND PURCHASING; AND AUTHORIZING THE ADOPTION OF PUBLIC CONTRACTING RULES BY RESOLUTION**

WHEREAS, ORS 279A.065(5)(b) requires the City to review its adopted rules each time the Attorney General modifies its Model Public Contracting Rules ("Model Rules") to determine whether the City should modify its rules to ensure compliance with statutory changes; and

WHEREAS, the legislature has modified the Oregon Public Contracting Code and the Attorney General has modified the Model Rules, accordingly; and

WHEREAS, the City Council finds that adopting and updating its Public Contracting Rules is an administrative function, best exercised by Resolution, as authorized by the 2005 Yachats Charter, Chapter V; and

WHEREAS, the City chooses to adopt its own Public Contracting Rules, rather than following the Model Rules; and

WHEREAS, in order to adopt new public contracting rules that differ from the Attorney General's Model Rules, under ORS 279A.065(5), the City Council must: 1) specifically state that the Model Rules adopted by the Attorney General do not apply to City; and 2) prescribe its own public contracting rules, which may include portions of the Attorney General's Model Rules. The Local Contract Review Board may also adopt rules for public contracting not covered by the Model Rules, as long as they do not conflict with the Oregon Public Contracting Code, ORS 279A, B and C.

NOW, THEREFORE, the City of Yachats ordains as follows:

**Section 1.** Yachats Municipal Code (YMC) Section 2.10.010 is amended to read as follows:

Pursuant to Oregon Revised Statutes (ORS) 279A.065, the City Council is designated as the Local Contract Review Board for the City of Yachats and shall have all of the rights, powers, and authority necessary to carry out the provisions of ORS Chapters 279A, 279B, and 279C (the "Public Contracting Code"), City Public Contracting Rules ("City Rules") and the Yachats Municipal Code. The City Administrator, his or her designee, and any other purchasing agent as authorized by City policy, is hereby designated as the City's "Contracting Agent" and may exercise all authorities, powers, and duties granted to a Contracting Agency under the

Public Contracting Code and City Rules, unless otherwise limited by City ordinance, resolution, or policy.

Public contracts shall be let by the City of Yachats in accordance with the State of Oregon Public Contracting Code and City Public Contracting Rules, to be adopted by resolution of the City Council and Local Contract Review Board. The Council hereby opts the City out of the Model Rules adopted by the Attorney General pursuant to ORS 279A.065; hereafter the Model Rules do not apply to City.

**Section 2.** YMC Section 2.10.020 is hereby repealed.

**Section 3.** The remainder of YMC Chapter 2.10 shall remain in full force and effect.

**PASSED AND ADOPTED** by the City Council of the City of Yachats on this \_\_\_\_ day of \_\_\_\_\_.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstentions: \_\_\_\_\_ Absent: \_\_\_\_\_

**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Ronald Brean, Mayor

Attest:

\_\_\_\_\_  
Nancy Batchelder, City RecorderS:\Ordinances\ORD. 333\_Contracting\_Rules.docx