

## **ORDINANCE NO. ( )**

### **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING A NEW SECTION 2-29. – ROAD COMMISSIONER AUTHORITY, TO SONOMA COUNTY CODE CHAPTER 2, ARTICLE II, TO CODIFY AND DELEGATE AUTHORITIES AND PROCEDURES FOR PROCUREMENT, AWARD, AND ADMINISTRATION OF CONTRACTS FOR WORK ON COUNTY HIGHWAYS**

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**Whereas**, Public Contract Code Section 22031(b)(1) authorizes a board of supervisors or county road commissioner to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act, for the construction, reconstruction, emergency work, or maintenance of county highways, subject to certain conditions; and

**Whereas**, Public Contract Code Section 20395 allows a county board of supervisors to authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have work upon county highways done under their supervision by letting contracts for work, material, and both work and material, as provided in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code; and

**Whereas**, Sonoma County Code Section 2-28 transfers all duties of the road commissioner to the Director of Public Infrastructure pursuant to Streets and Highways Code Section 2006.1; and

**Whereas**, Sonoma County Code Section 2-357 allows the Director of Public Infrastructure to utilize the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 of the Public Contract Code, as an alternative to the procedures set forth in the Uniform Public Construction Cost Accounting Act; and

**Whereas**, pursuant to Resolution No. 20-0200, the Board of Supervisors reviewed and approved the County's Road Construction Standards and other road design plans and specifications, to establish plans, designs, and other conditions and requirements for the reasonable and proper construction and improvement of county roadways and related appurtenances. As part of that Resolution, the Board also confirmed and delegated authority to the Director of Public Infrastructure to add conditions specific to projects, activities, and field conditions, and to approve exceptions or alternatives under certain circumstances, as necessary or appropriate, and which, in his or her official and professional judgment, would be reasonable and in accordance with accepted engineering and roadway practice consistent with best ensuring safe, long-lasting, and quality County roadways;

**Whereas,** the Board of Supervisors desires to authorize the Director of Public Infrastructure to use the road commissioner contracting procedures under Public Contract Code Sections 22031 and 20390, et seq. as an alternative to the Uniform Public Construction Cost Accounting Act, for construction, reconstruction, repair, and maintenance work projects for County highways, along with desiring to delegate authority to the Director of Public Infrastructure for all plans, designs, specifications, working details, changes, and additions as to such work, including for purposes of and as authorized by Government Code section 830.6, and under authority of the board of supervisors in accordance with Public Contract Code Section 20391;

NOW THEREFORE, the Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

**Section I. Purpose.** The purpose of this Ordinance is to add a new section to Sonoma County Code, Chapter 2, Article II – Officers and Employees Generally. The new Section shall be numbered and titled “2-29. – Road Commissioner authority”. The new section is to 1) Locally adopt and implement the Road Commissioner authorities allowed under State law, including Public Contract Code Sections 22031 and 20390, for all work on County highways; 2) Clarify and further delegate discretionary authority of the Director of Public Infrastructure to order and adopt designs, plans, specifications, working details, changes, and additions with regard to such work; and 3) Clarify and further delegate authority of the Director of Public Infrastructure with regard to procurement and delivery of emergency road projects.

**Section II. Amendment of Sonoma County Code.** Article II – Officers and Employees Generally, of Chapter 2 of the Sonoma County Code is hereby amended, to add a new Section, as follows:

**Sec. 2-29. - Road Commissioner authority.**

(a) Notwithstanding any other provision of this Article, the director of public infrastructure, as director of transportation and in accordance with Sonoma County Code Section 2-28, is authorized, pursuant Public Contract Code Sections 22031 and 20390 et. seq., to utilize the procedures and authorities and to let contracts as set forth in Public Contract Code Sections 20394 and 20395 (or any successor statutes), as follows:

- (1) For maintenance of county highways;
- (2) For new road construction and road reconstruction of county highways, in accordance with the conditions and limits as set forth in Public Contract Code Section 22031; and
- (3) For emergency work upon county highways, during the period of such emergency. In addition, for all services made necessary due to the emergency need, including for needed road clearing and engineering, the director of public infrastructure is authorized to execute services

contracts, with or without the furnishing of materials, in any amount, without need for compliance with competitive procurement or other requirements set forth in Section 2-58 of the Sonoma County Code.

(b) For all work pursuant to the foregoing authority:

- (1) All work shall only be contracted if sufficient funds therefor have been appropriated, in accordance with approved budget and applicable law;
- (2) All work shall be prepared, advertised, procured, and otherwise delivered in accordance with Article 25 of Chapter 1 (the Local Agency Public Construction Act, commencing with Section 20390) of the Public Contract Code (or any successor statute pertaining to road commissioner authority and work upon county highways);
- (3) All work shall be publicly declared by the director of public infrastructure in accordance with Public Contract Code section 22031;
- (4) All work shall be pursuant to surveys, profiles, cross-sections, plans, and specifications in conformance with the County's adopted Road Construction Standards, including any condition, exception, or alternative authorized pursuant thereto, and otherwise as prepared by the director of public infrastructure. The director of public infrastructure is hereby delegated all other discretionary authority to approve any other designs, plans, specifications, working details, changes, and additions as to any such work which, in his official and professional judgment, is reasonable and in accordance with accepted engineering and roadway practices and standards consistent with best ensuring safe, long-lasting, and quality County roadways;
- (5) All work shall be noticed and advertised, all bids presented and opened, and any contracts awarded, in accordance with the applicable provisions of said Article 25. The director of public infrastructure is authorized to notice bids, publicly open bids, award and execute the contracts in form approved by County Counsel to the lowest responsible bidder, reject all bids and advertise for new bids as authorized, and consider and accept or reject protests if filed, consistent with the applicable provisions of said Article 25;
- (6) The director of public infrastructure is otherwise authorized take all other actions authorized under and in accordance with the procedures set forth in said Article 25;
- (7) The director of public infrastructure is authorized to execute changes and additions to the work, subject to the following limitations:
  - a. Appropriated funds are available to cover the associated cost; and
  - b. Each individual change or addition is within the maximum amount allowed under Public Contract Code Section 20395 (or any

successor statute), as such amounts may be adjusted by the State Legislature from time to time.

**Section III. Severability.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section IV. Effective Date.** 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 and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced on the X day of X, 20\_\_, and finally passed and adopted this X day of X, 20\_\_, on regular roll call of the members of said Board by the following vote:

**SUPERVISORS:**

Ayes:

Noes:

Absent:

Abstain:

**WHEREUPON**, the Chair declared the above and foregoing Ordinance duly adopted and

**SO ORDERED.**

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Chair, Board of Supervisors  
County of Sonoma

ATTEST:

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Christina Rivera,  
Clerk of the Board of Supervisors