

City of Grants Pass Municipal Code



Title 2

ORGANIZATION AND ADMINISTRATION

Chapters:

- 2.04 Finance Director
- 2.08 Deputy City Attorney
- 2.11 Department of Public Safety
- 2.16 Municipal Court
- 2.23 Procurement
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Chapter 2.04

FINANCE DIRECTOR

Sections:

- 2.04.010 Functions and Duties
- 2.04.020 Acting Finance Director--Office Created
- 2.04.030 Acting Finance Director--Appointment

2.04.010 Functions and Duties

From and after January 1, 1977 the effective date of the City Charter of 1976, the Finance Director shall perform, and is hereby authorized and directed to perform, all functions and duties and take all actions heretofore required to be performed by the City Officer known prior to January 1, 1977 as City Auditor, Auditor and Police Judge, City Treasurer, City Recorder, and the like pursuant to any ordinance, resolution, regulation, or policy of the City enacted or adopted prior to or after January 1, 1977 or pursuant to the Charter of the City in effect immediately prior to the City Charter of 1976, or pursuant to any Oregon or Federal Statute, Law, Rule or Regulation, or pursuant to the Constitution of the United States or the State Constitution. (Ord. 4136 (part), 1977)

2.04.020 Acting Finance Director--Office Created

The office of Acting Finance Director is authorized and established for the performance of those functions required of the Finance Director pursuant to the City Charter, for the execution of certifications pertaining to minutes, ordinances, resolutions, and other official records of the City, and for the execution of municipal general obligation, revenue, and other bonds, and to enable performance of those functions required by Oregon Revised Statutes of the Finance Director, who is known in such statutes as "City Clerk," "City Recorder," "City Auditor," and by other like designations. The Acting Finance Director shall serve in the place and stead of the Finance Director at those times when the Finance Director is absent from the City, or if the Finance Director is for any other reason unable to act as Finance Director and to discharge any or all of the duties or functions of the office of Finance Director as described in this chapter. (Ord. 4250 §1, 1978)

2.04.030 Acting Finance Director--Appointment

The Acting Finance Director shall be named and appointed by the City Manager, except that if pursuant to Chapter V, Section 2(5), of the City Charter in the case of the absence of the Manager from the City for more than 7 days, or of temporary disability to act as Manager, or resignation as Manager, or of discharge of the Manager by the Council, then the duly appointed Manager Pro Tem shall appoint the Acting Finance Director upon approval of the majority of the Council. (Ord. 4250 §2, 1978)

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Chapter 2.08

DEPUTY CITY ATTORNEY

Sections:

- 2.08.010 Office Created
- 2.08.020 Number of Positions
- 2.08.030 Powers and Duties

2.08.010 Office Created

There is created the office of Deputy City Attorney. Each person named as a Deputy City Attorney shall be and remain a member in good standing of the Oregon State Bar. (Ord. 3701 §1, 1969)

2.08.020 Number of Positions

The number of Deputy City Attorneys required shall be determined by the City Attorney and each Deputy City Attorney shall be appointed by the City Attorney for an indefinite term. Each Deputy City Attorney shall be subject to removal by the City Attorney at any time. (Ord. 3701 §2, 1969)

2.08.030 Powers and Duties

Each Deputy City Attorney named shall have authority to perform all the functions and duties of the City Attorney, subject to the direction of the City Attorney. (Ord. 3701 §3, 1969)

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Chapter 2.11

DEPARTMENT OF PUBLIC SAFETY

Sections:

- 2.11.010 Authority
- 2.11.020 Appointments

2.11.010 Authority

There is hereby established a Department of Public Safety for the City of Grants Pass to perform the below listed functions.

1. To enforce the laws of the State of Oregon and the City of Grants Pass; and
2. To assist the City Manager in protecting the health, safety, and welfare of the citizens and visitors of Grants Pass; and
3. To implement the goals and directives of the City Council as directed by the City Manager.

2.11.020 Appointments

The City Manager is authorized to appoint persons to the Department of Public Safety that are necessary to fulfill the Manager's responsibilities as set forth in the Municipal Charter, the Municipal Code, and the goals and directives of the City Council.

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Chapter 2.16

MUNICIPAL COURT

Sections:

2.16.000 Municipal Court

Violations of the Municipal Code (including the Development Code as a portion thereof) shall be prosecuted in the Circuit Court of the State of Oregon for the County of Josephine unless the specific language of the applicable ordinance provides for alternate review.

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Chapter 2.23

PROCUREMENT

Sections:

- 2.23.010 Authority
- 2.23.020 Rules of Construction
- 2.23.030 Delegation of Authority
- 2.23.040 Contracts that Require Council Approval
- 2.23.050 Interpretation of Public Contracting Rules
- 2.23.100 Contracts Exempt from Formal Bidding
- 2.23.200 Life Cycle Costing
- 2.23.300 Bid Security Requirements
- 2.23.400 Request for Proposals
- 2.23.800 Disposition of Surplus Personal Property

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2.23.010 Authority

Except as provided herein, or by subsequent Ordinance or Resolution, ORS Chapters 279A, 279B and 279C (hereinafter referred to as the Public Contracting Code) as they now exist (and as they may be amended in the future if mandated by State law to apply to the City), are hereby adopted and the City Council is designated as the Local Contract Review Board (hereinafter referred to in this Chapter as the Council).

2.23.020 Rules of Construction

Words and phrases used in this Chapter shall have the same meaning as defined in the Public Contracting Code. In the event that rules adopted by the City do not address a particular situation, the State laws apply. The terms of this Chapter shall supplement the State laws. In the event of a conflict between this Chapter and State laws, this Chapter shall control if otherwise permitted by law.


2.23.030 Delegation of Authority

The Council may, from time to time, delegate its powers and responsibilities consistent with the Public Contracting Code and the Grants Pass Municipal Code. The City Manager is designated as the City's "Contracting Agency" as that term is defined in ORS 279 A.010 (1b) and the Contracting Agency shall be referred to in this Chapter as the "Manager" (which term shall also include persons designated by the Manager). The Assistant City Manager, City Attorney, and Department Directors (subject to limitations as established by the Manager) are authorized designees of the Manager. The Manager is further authorized to designate such other persons as the Manager deems necessary to carry out the duties and responsibilities of the City.

2.23.040 Contracts that Require Council Approval

Notwithstanding any other provision of this Chapter or the Public Contracting Code, procurements of goods, services, or public improvements with a value in excess of \$100,000 and change orders (or amendments to such contracts which in the aggregate exceed 15% of the original amount or exceed \$100,000, whichever is greater) require Council approval prior to execution. (Ord. 5512 §3, 2010, Ord. 23-5848)

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2.23.050 Interpretation of Public Contracting Rules

In furtherance of the goals of promoting fair, efficient, and cost-effective purchasing and contracting, the Manager may interpret all public contracting rules and regulations so as to provide the City with the full use of all contracting powers and authorities described in the Public Contracting Code and this Chapter.

2.23.100 Contracts Exempt from Formal Bidding
(Ord. 23-5848)

- A. The Manager may promulgate additional policies and procedures, to provide guidance concerning selection procedures to be employed for contracts exempt from formal bidding or classes of exempt contracts. Any such policies and procedures are for internal City purposes only and do not limit or proscribe the authority of the Manager or their designate regarding any particular contract.
- B. When the amount of the contract is \$10,000 or more, a minimum of three competitive written quotes should be obtained. The City shall keep a written record of the source and amount of the quotes received. If three written quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.
- C. If the City intends to make several purchases pursuant to sections B or C above, from a particular manufacturer or seller for a period not to exceed two years, it may so state in the documentation required by said section, and such documentation shall be sufficient notice as to subsequent purchases.
- D. The Council may grant exemptions if:
 - 1. The exemption is not likely to encourage favoritism in public contracts or substantially diminish competition and will result in cost savings; or

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2. There is only one manufacturer or seller of the product of the quality required; or
 3. Efficient utilization of existing equipment or supplies requires acquisition of compatible equipment or supplies; or
 4. The exemption is requested for the purchase of a particular product to be used in an experimental project.
- E. Except as modified in this Chapter the following classes of public contracts (in addition to those exempted by the Public Contracting Code) are hereby exempted from competitive procurement and may be awarded in any manner the Manager deems appropriate including direct purchase:
1. Purchase of goods or services less than \$100,000 in value.
(Ord. 23-5848)
 2. Cooperative procurement contracts.
 3. Contracts for the purchase of telecommunications system hardware and software.
 4. Contracts for the purchase of goods or services necessary to respond to an emergency involving an immediate hazard to the public health, safety, or welfare where the goods or services are less than \$100,000. In such case, the Manager shall furnish a full report of the circumstances and costs of the goods and services and the method used for the selection of the particular contractor to the Council at its next regularly scheduled meeting.
 5. Contracts for the purchase of copyrighted materials where there is only one supplier available within a reasonable purchase area for such materials.
 6. Contracts for the purchase of data processing and word processing hardware and systems software.
 7. Contracts for the purchase of goods where there is only one seller of a product of the quality required, or if the efficient utilization of existing equipment or supplies requires specification of a compatible product for which there is only one seller.

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8. Contracts for the purchase of services, equipment or supplies for maintenance, repair or conversion of existing equipment if required for efficient utilization of such equipment.
9. Contracts for the purpose of investment of public funds or the borrowing of funds.
10. Purchases of goods or services pursuant to a contract which was established by a formal competitive selection process by another governmental entity.
11. Purchases of goods or services at prices established by a contract or other agreement between another governmental entity and a contractor if the contract was established by a formal competitive selection process.
12. Contracts for insurance policies and services.
13. Contracts for purchase or sale of services, materials or products traditionally provided by the City.
14. Contracts for the purchase of goods or services where the rate or price for the goods or services being purchased is established by a federal, state or local regulating authority.
15. Contracts for services of a specialized, creative and research-oriented, non-commercial nature.
16. A contract for the purpose of the investment of public funds or the borrowing of funds by the City when such investment or borrowing of funds is contracted pursuant to duly enacted administrative regulations, Council resolutions, statute, ordinance, charter, or constitution.
17. Personal services contracts, including but not limited to the following services, architect, landscape architect, landscape maintenance, engineer, lawyer, land surveyor, consultant, third party administrators, auditors, photographers, and artists.

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- 18. Any purchase contract (including brand name specification contracts) where the public interest would be promoted by exempting the contract from the competitive bidding process, provided that the Council adheres to the Public Contracting Code in making the exemption.

2.23.200 Life Cycle Costing

- A. In determining the lowest responsible bidder, in the award of a contract, the City may use the concept of life cycle costing (determining the cost of a product for its useful life) if it identifies those factors which will have cost implications over the life of the product. The Invitation to Bid shall set out clearly the factors and methodology to be used in life cycle cost adjustments.
- B. At or after the formal bid opening, the results of life cycle costing adjustments shall be applied to the bid, and the bidder whose total bid results in the lowest ownership cost, taking into account the life cycle costing adjustments, shall be considered the lowest responsible bidder.

2.23.300 Bid Security Requirements


City may, in its discretion, waive the bid security requirements of ORS 279.027 for contracts other than those for public improvements.

2.23.400 Request for Proposals

At the discretion of the Manager, the City may use request-for-proposal (RFP) competitive procurement methods (in single or in multiple stages) subject to the following conditions:

- A. Contractual requirements are stated clearly in the solicitation document.
- B. Evaluation criteria to be applied in awarding the contract and the role of an evaluation committee, if any, are stated clearly in the solicitation document.
- C. Criteria used to identify the proposal that best meets the public contracting needs may include but are not limited to cost, quality, service, compatibility, product reliability, operating efficiency and expansion potential.

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- D. The solicitation document outlines how vendors may comment on any specifications which they feel limit competition.

2.23.800 Disposition of Surplus Personal Property

- A. The Manager shall have the authority to dispose of any single item of surplus personal property with an estimated resale value of up to \$1,000 by any means determined to be in the best interest of the City with due regard for the value the City will receive from the disposal of the surplus property. Said disposition may include donation to a unit of government or non-profit organization that will be expected to utilize it for the public benefit.
- B. The Manager shall have the authority to dispose of any single item of surplus personal property with an estimated resale value greater than \$1,000 by any of the following means:
 - 1. Sale to the highest qualified buyer meeting the sale terms where the sale has been advertised at least once in a newspaper of general circulation in Grants Pass not less than one week prior to the sale.
 - 2. Trade in on the purchase of replacement equipment or supplies.
 - 3. Sale at public auction advertised at least once in a newspaper of general circulation in Grants Pass not less than one week prior to the auction. If no bids are received or if a determination is made that the market value of the property exceeds the offer of the highest responsible bidder, all bids may be rejected.
 - 4. Donation to a unit of government or non-profit organization that will be expected to utilize it for the public benefit.
- C. All surplus personal property disposed of pursuant to this section shall be sold “as-is” without any warranty, either express or implied, of any kind.
- D. Sales of surplus personal property may be conducted electronically.
- E. The Manager is authorized to recycle, destroy, or otherwise dispose of surplus personal property when it is determined that the value and the condition of the property does not warrant the cost of sale.

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Chapter 2.32

PERSONNEL

Sections:

2.32.010	Short Title
2.32.020	Purpose
2.32.030	Adoption and Amendment of Rules
2.32.040	Administrative Authority

2.32.010 Title

The title of this chapter shall be "The Personnel Ordinance of the City of Grants Pass."
(Ord. 4349 §1, 1980)

2.32.020 Purpose

This Chapter is adopted to establish equitable and uniform procedures and standards for dealing with personnel matters; to attract to municipal service and to retain the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness; and to provide a reasonable degree of job security for qualified employees. This chapter is not adopted to directly or indirectly influence the City Manager in his appointment, termination or discipline of employees; rather, this chapter is to provide the City Manager with the procedures and standards necessary to fulfill his City Charter responsibilities. (Ord. 4349 §2, 1980)

2.32.030 Adoption and Amendment of Rules

Personnel rules shall be adopted and amended by resolution of the Council. The rules shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related activities. All appointments and promotions shall be made in accordance with the personnel rules without regard to sex, race, color, age, religion or political affiliation; and, furthermore, shall be based on merit and fitness. The Council shall in no way interfere, directly or indirectly, with the City Manager's charter responsibilities to administer such personnel rules. (Ord. 4349 §3, 1980)

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2.32.040 Administrative Authority

The City Manager shall be responsible for:

- A. Administering all the provisions of this chapter and of the personnel rules.
- B. Preparing or causing to be prepared and recommending to the City Council personnel rules and revisions and amendments to such rules.
(Ord. 4349 §4, 1980)