

**ORDINANCE NO. 2018-127**

**AN ORDINANCE OF BOARD OF THE DIRECTORS OF  
THE NIPOMO COMMUNITY SERVICES DISTRICT  
ADDING CHAPTER 2.43 TO THE  
NIPOMO COMMUNITY SERVICES DISTRICT CODE  
REGARDING THE CALIFORNIA UNIFORM PUBLIC  
CONSTRUCTION COST ACCOUNTING ACT**

The Board of Directors of the Nipomo Community Services District ordains as follows:

SECTION 1. Chapter 2.43 is hereby added to the Nipomo Community Services District Code and reads as follows:

**Chapter 2.43 – CALIFORNIA UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

**2.43.01 - Informal Bid Procedures.**

Public projects, as defined by the California Uniform Public Construction Cost Accounting Act, Public Contract Code Section 22000, *et seq.*, and in accordance with the limits listed in Section 22032 of the Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032, *et seq.*, of the Public Contract Code.

**2.43.02 - Contractors List.**

The District shall develop and maintain a contractors list in compliance with the requirements of Public Contract Code Section 22034.

**2.43.03 - Notice Inviting Informal Bids.**

Where a public project is to be performed which is subject to the provisions of this Chapter, a notice inviting informal bids shall be circulated using one or both of the following alternatives:

A. Notices inviting informal bids may be mailed, faxed, or emailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with District Code Section 2.43.02.

B. Notices inviting informal bids may be mailed to all construction trade journals as specified by the California Uniform Public Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the General Manager, provided, however, if the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

**2.43.04 - Award of Contracts.**

The General Manager is authorized to award informal contracts pursuant to this Chapter.

SECTION 2. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws

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of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the District hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 3. This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage. Before the expiration of the fifteenth (15<sup>th</sup>) day after passage this Ordinance shall be published once with the names of the members of the Board of Directors voting for or against the Ordinance in a newspaper of general circulation within the District.


INTRODUCED at its regular meeting of the Board of Directors held on October 24, 2018, and PASSED and ADOPTED by the Board of Directors of the Nipomo Community Services District at its regular meeting on the 14th day of November, 2018, by the following roll call vote, to wit:

AYES: Directors Armstrong, Blair, Woodson, Gaddis and Eby  
NOES: None  
ABSENT: None  
CONFLICTS: None



ED EBY  
President, Board of Directors

ATTEST:

  
MARIO IGLESIAS  
General Manager and  
Secretary to the Board

APPROVED AS TO FORM AND LEGAL  
EFFECT:

  
WHITNEY G. McDONALD  
District Legal Counsel