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BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

29 September 1, 2020

CELIA ZAVALA
EXECUTIVE OFFICER

ADOPTION OF ORDINANCES AMENDING VARIOUS CHAPTERS OF TITLE 2 – ADMINISTRATION – OF THE LOS ANGELES COUNTY CODE (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

SUBJECT

This action is to adopt proposed ordinances amending various Chapters of Title 2 - Administration - of the Los Angeles County Code.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the recommended actions, which approve the introduction and adoption of proposed ordinances, are not a project pursuant to the California Environmental Quality Act for the reasons stated in this Board letter and in the records of the proposed activities.
2. Approve for introduction an ordinance to amend Chapter 2.08 of Title 2 – Administration – of the Los Angeles County Code, Section 2.08.158 (Attachment A) to remove reference to a repealed Section; and Sections 2.08.159 (Attachment B), 2.08.160 (Attachment C), 2.08.161 (Attachment D), and 2.08.163 (Attachment E), to authorize the Chief Executive Officer, to continue acting on behalf of the Board of Supervisors to purchase, lease and license real property.
3. Approve for introduction an ordinance amending Section 2.08.165 of Chapter 2.08 of Title 2 – Administration – of the Los Angeles County Code to, among other things, increase the monetary authority of the Chief Executive Officer to enter into architectural, engineering and related services contracts to a cap of \$330,000; and to increase the monetary authority of the Chief Executive Officer to amend such contracts entered into by the Board of Supervisors to a cap of \$330,000, or ten percent of the original contract amount, whichever is less (Attachment F).

4. Approve for introduction an ordinance amending Section 2.18.030 of Chapter 2.18 of Title 2 – Administration - of the Los Angeles County Code to, among other things, increase the monetary authority of the Director of Public Works to enter into architectural, engineering and related services contracts to a cap of \$330,000; and to increase the monetary authority of the Director of Public Works to amend such contracts entered into by the Board of Supervisors to a cap of \$330,000, or ten percent of the original contract amount, whichever is less (Attachment G).
5. Approve for introduction an ordinance amending Section 2.18.040 of Chapter 2.18 of Title 2 – Administration – of the Los Angeles County Code (construction contracts \$330,000 and less) to, among other things, increase the monetary authority of the Director of Public Works to award construction contracts to a cap of \$330,000; to increase the monetary authority of the Director of Public Works to amend construction contracts entered into by the Board of Supervisors to a cap of \$330,000, or ten percent of the original contract amount, whichever is less; to clarify the Director of Public Works' authority to take certain actions relative to compliance with the California Environmental Quality Act; to clarify the Director of Public Works' authority relative to bids for construction contracts; and to authorize the Director of Public Works to designate materials and products by brand or trade name pursuant to Public Contract Code Section 3400 (Attachment H).
6. Approve for introduction an ordinance amending Section 2.18.050 of Chapter 2.18 of Title 2 – Administration – of the Los Angeles County Code (construction contracts over \$330,000), to update and clarify certain terms in the Section (Attachment I).
7. Approve for introduction ordinances amending various Chapters of Title 2 – Administration – of the Los Angeles County Code, as indicated below, to authorize the Directors of Departments of Public Works, Internal Services, Parks and Recreation, and the Executive Director of the Los Angeles County Development Authority, to approve projects under a previously Board of Supervisors awarded Job Order Contract, if the amount to be paid to the contractor for the project does not exceed \$330,000, and to perform other specified actions with respect to Job Order Contract projects:
 - Section 2.18.042 and 2.18.052 are added for the Department of Public Works (Attachment J and K, respectively);
 - Section 2.81.050 is added for the Internal Services Department (Attachment L);
 - Section 2.26.065 is added for the Department of Parks and Recreation (Attachment M); and
 - Section 2.58.040 is added for the Executive Director of the Los Angeles County Development Authority (Attachment N).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find that the introduction and adoption of proposed ordinances is not a project under the California Environmental Quality Act (CEQA).

Adoption of the ordinances referenced above will update the County Code to align with the Government Code and Public Contract Code (PCC), reset and increase leasing terms, increase delegated authority amounts, provide efficiency in implementing and completing Job Order Contract (JOC) projects, address a JOC audit recommendation, as well as expedite projects with seasonal or scheduling constraints, prevent delays in project delivery, and more efficiently serve the needs of the public.

Background

The Strategic Asset Management Plan provides a strategy that focuses on reinvestment in County facilities for the most effective delivery of public services. Part of this strategy is an on-going commitment to innovation and improving efficiency. Adoption of these ordinances authorizes increased level of delegated authority which reduces the time and cost of delivery of real estate and construction services.

Senate Bill No. 780 (SB 780), Local Government Omnibus Act of 2019, was signed by the Governor on September 20, 2019, and took effect on January 1, 2020. SB 780 made numerous changes to the Government Code and the PCC; mostly changing code sections that were out of date, and primarily with the intention of increasing delegations of authority to improve operational efficiencies. SB 780 amends the following:

- Government Code Section 25350.51 to increase the threshold for a County official to lease, license, or amend real property leases or licenses from \$7,500 to \$10,000 per month. The amount and term for this section was last increased by the State in 2006.
- Government Code Section 31000.9 to increase the monetary amount of the authority of a county officer to enter into contracts for architectural, engineering and related services (AE) from \$75,000 to \$330,000, and to increase the monetary amount of the authority of a county officer to amend such contracts entered into by the Board to a cap of \$330,000 or ten percent of the original contract amount, whichever is less. The current limit of \$75,000 was established in 1977.
- PCC Section 20145 to increase the monetary authority of a county officer to award construction contracts from \$75,000 to \$330,000; and to increase the monetary authority of a county officer to amend construction contracts awarded by the Board to a cap of \$330,000, or ten percent of the original contract amount, whichever is less. The current cap of \$75,000 has not been increased since 1982.

In addition, Government Code Sections 25537 and 25350.60 allow the Board of Supervisors, by enacting an ordinance, to delegate authority to county officers to execute leases and licenses without following bidding procedures, or to approve and accept the acquisition of interest in real property. By statute, this authority expires after five years unless renewed by the Board. Delegated authority granted by this Board letter shall be effective through and including September 30, 2025.

Furthermore, Recommendation No. 7 seeks adoption of JOC ordinances to address Recommendation Number 31 of the Auditor-Controller's audit report titled "County Departments' Use of Job Order Contracts Review", dated April 17, 2017, to delegate Board authority to certain department heads to approve a project under a previously Board-awarded JOC if the amount to be paid to the contractor for the project does not exceed \$330,000.

Real Estate Transactions

The purpose of the recommended action is to amend Chapter 2.08 of Title 2 – Administration – of the Los Angeles County Code, Sections 2.08.158, 2.08.159, 2.08.160, 2.08.161, and 2.08.163. The proposed amendments will increase the term and rental amount limitations to bring the County Code up to date with recent revisions to the Government Code, remove reference to a repealed section, and reset the five-year authorization to allow the Chief Executive Officer (CEO) to continue her delegated authority to purchase, lease, and license real property.

Chief Executive Officer Architectural, Engineering and Related Services Contracts

The purpose of the recommended action is to amend Chapter 2.08 of Title 2 –Administration – of the Los Angeles County Code, Section 2.08.165, to bring the County Code up to date with recent revisions to the Government Code. The proposed ordinance will increase the monetary authority of the CEO to enter into AE contracts and increase the CEO's authority to amend AE contracts entered into by the Board; clarify the CEO's authority to amend existing AE contracts entered into by the Board; and remove inapplicable sections.

Public Works Architectural, Engineering and Related Services Contracts

The purpose of the recommended action is to amend Title 2 – Administration – of the Los Angeles County Code, Section 2.18.030, to bring the County Code up to date with recent revisions to the Government Code. This proposed ordinance will increase the monetary authority of the Director of Public Works to enter into AE contracts and increase the monetary authority of the Director of Public Works to amend AE contracts entered into by the Board.

Public Works Construction Contracts

The purpose of the recommended action is to amend Title 2 – Administration – of the Los Angeles County Code, Sections 2.18.040 and 2.18.050, to bring the County Code up to date with recent revisions to the PCC. The ordinance will increase the monetary authority of the Director of Public Works to award construction contracts (and to take other specified actions) and will further increase the monetary authority of the Director of Public Works to amend construction contracts entered into by the Board. The Ordinance will clarify the authority of the Director of Public Works to take certain actions relative to compliance with CEQA for construction-contract procurement not exceeding \$330,000; clarify the Director of Public Work's authority to take certain actions relative to bids for construction contracts; and authorize the Director of Public Works to designate materials and products by brand or trade name pursuant to PCC Section 3400. Finally, the proposed ordinance will update and clarify certain terms in the Sections 2.18.040 and 2.18.050.

Job Order Contracts (Various Departments)

The purpose of the recommended action is to amend various Chapters of Title 2 – Administration – of the Los Angeles County Code to add Sections 2.18.042, 2.18.052, 2.81.050, 2.26.065, and Section 2.58.040 to authorize the Directors of Public Works, Internal Services Department (ISD), Parks and Recreation (Parks), and the Executive Director of the Los Angeles County Development Authority (LACDA), respectively, to approve a project, performed on behalf of the County of Los Angeles, under a Board-awarded JOC, if the amount to be paid to the contractor for the project does not exceed \$330,000; and to perform other specified actions with respect to JOC projects.

Implementation of Strategic Plan Goals

Approval of the recommended actions is consistent with County Strategic Plan Goal III - Realize Tomorrow's Government Today, Strategy III.3 - Pursue Operational Effectiveness, Fiscal Responsibility, and Accountability, III.3.1 Maximize Revenue by implementing a process to systematically leverage resources to help fund County initiatives, III.3.2, Manage and Maximize County Assets, by supporting ongoing efforts to manage and improve public infrastructure assets. Furthermore, the proposed ordinances will improve operational efficiencies in providing real estate and construction related services for County initiatives.

FISCAL IMPACT/FINANCING

There will be no additional costs to the County resulting from approval of the proposed ordinances amending various Chapters of Title 2 - Administration – of the Los Angeles County Code.

The implementation of the proposed ordinances will reduce time and administrative costs required to provide real estate and construction related services resulting in overall cost savings to the County.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The accompanying ordinances amend various chapters of Title 2 – Administration – of the Los Angeles County Code as follows:

Real Estate Transactions

Chapter 2.08, Section 2.08.158 is amended to remove reference to a repealed section (Attachment A).

Chapter 2.08, Section 2.08.159 is amended to increase the monetary limit by which the CEO can execute leases and amendments excluded from the bidding process from \$5,000 to \$10,000 consistent with Government Code Section 25537 and to continue the CEO's delegated authority to lease real property for an additional five years (Attachment B).

Chapter 2.08, Section 2.08.160 is amended to continue the CEO's delegated authority to purchase real property for an additional five years (Attachment C).

Chapter 2.08, Section 2.08.161 is amended to authorize temporary permits and licenses for miscellaneous purposes, limit the term of any licenses or permits authorized under this Section pursuant to Government Code, increase the monetary limit of filming permits and permits for use of court facilities which the CEO is authorized to grant from \$5,000 to \$10,000, and to continue the CEO's delegated authority to license and permit real property for an additional five years. (Attachment D).

Chapter 2.08, Section 2.08.163 is amended to increase the number of years and monetary limit by which the CEO is authorized to lease, license, or amend real property leases or licenses for use by County departments from three years to five years and from \$7,500 to \$10,000 per month, respectively, consistent with recent changes to Government Code Section 25350.51 (Attachment E).

CEO AE Contracts

Chapter 2.08, Section 2.08.165 is amended (Attachment F) as follows: (1) the monetary amount of the authority of the CEO to enter into contracts for AE services is increased from \$75,000 to \$330,000, consistent with the recent changes in Government Code Section 31000.9; (2) the monetary amount of the CEO's authority to amend contracts for AE services entered into by the Board is increased to a cap of \$330,000, or ten percent of the original contract amount, whichever is less, consistent with recent changes in Government Code Section 31000.9; (3) with respect to existing AE contracts entered into by the Board, the CEO's authority to amend such contracts is clarified; and (4) inapplicable subsections in the ordinance are removed.

Public Works AE Contracts

Chapter 2.18, Section 2.18.030 is amended (Attachment G) as follows: (1) the monetary authority of the Director of the Public Works to enter into contracts for AE services is increased from \$75,000 to \$330,000, consistent with recent changes in Government Code Section 31000.9; (2) the monetary authority of the Director of Public Works to amend contracts for AE services entered into by the Board is increased from \$75,000 to \$330,000, or ten percent of the original contract amount, whichever is less, consistent with recent changes in Government Code Section 31000.9.

Public Works Construction Contracts

Chapter 2.18, Section 2.18.040 (construction contracts \$330,000 and less) is amended (Attachment H) as follows: the monetary authority of the Director of Public Works to award construction contracts (and to take actions related thereto) is increased from \$75,000 to \$330,000; the monetary authority of the Director of Public Works to amend construction contracts awarded by the Board is increased to a cap of \$330,000, or ten percent of the original contract amount, whichever is less; Director of Public Works' authority relative to compliance with CEQA approval for construction contracts not exceeding \$330,000 is clarified; the Director of Public Works' authority to reject non-responsive bids and to waive inconsequential and nonmaterial deficiencies relative to bids for construction-contract procurements not exceeding \$330,000 is clarified; the Director of Public Works is authorized to designate materials and products by brand or trade name pursuant to PCC Section 3400 for construction-contract procurements not exceeding \$330,000; certain provisions in the Section are updated and clarified. Chapter 2.18, Section 2.18.050 (construction contracts over \$330,000) is amended (Attachment I) to update and clarify certain terms of the Chapter.

Public Works Job Order Contracts

Chapter 2.18 is amended to add Sections 2.18.042 and 2.18.052 (Attachment J and K, respectively), to authorize the Director of Public Works, in accordance with the authority provided by Sections 20128.5 and 20145 of the PCC and pursuant to Sections 20155 through 20155.9 of the PCC, to act in place of the Board in approving a project under a previously Board-awarded JOC if the amount to be paid to the contractor for the project does not exceed \$330,000, in accordance with certain procedures, and perform specified actions with respect to JOC projects that have been approved by the Board in accordance with certain procedures regarding: (a) authorization of project work orders; (b) acceptance of projects and filing notices of completion upon final completion of the project; (c) release of retention money withheld pursuant to applicable provisions of the PCC; (d) granting extensions of time on such projects due to delay deemed to be beyond the contractor's control; and (e) assessing liquidated damages, as authorized by Government Code Section 53069.85 and the contract specifications.

ISD Job Order Contracts

Chapter 2.81, Part 1, is amended to add Section 2.81.050 (Attachment L), to authorize the Director of ISD, in accordance with the authority provided by Sections 20128.5 and 20145, of the PCC and pursuant to Sections 20155 through 20155.9 of the PCC, to act in place of the Board in approving a project under a previously Board-awarded JOC if the amount to be paid to the contractor for the project does not exceed \$330,000, in accordance with certain procedures, and perform specified actions with respect to JOC projects that have been approved by the Board in accordance with certain procedures regarding: (a) authorization of project work orders; (b) acceptance of projects and filing notices of completion upon final completion of the project; (c) release of retention money

withheld pursuant to applicable provisions of the PCC; (d) granting extensions of time on such projects due to delay deemed to be beyond the contractor's control; and (e) assessing liquidated damages, as authorized by Government Code Section 53069.85 and the contract specifications.

Parks Job Order Contracts

Chapter 2.26 is amended to add Section 2.26.065 (Attachment M), to authorize the Director of Parks, in accordance with the authority provided by Sections 20128.5 and 20145, of the PCC, and pursuant to Sections 20155 through 20155.9 of the PCC, to act in place of the Board in approving a project under a previously Board-awarded JOC if the amount to be paid to the contractor for the project does not exceed \$330,000, in accordance with certain procedures, and perform specified actions with respect to JOC projects that have been approved by the Board in accordance with certain procedures regarding: (a) authorization of project work orders; (b) acceptance of projects and filing notices of completion upon final completion of the project; (c) release of retention money withheld pursuant to applicable provisions of the PCC; (d) granting extensions of time on such projects due to delay deemed to be beyond the contractor's control; and (e) assessing liquidated damages, as authorized by Government Code Section 53069.85 and the contract specifications.

LACDA Job Order Contracts

Chapter 2.58 is amended to add Section 2.58.040 (Attachment N), to authorize the Executive Director of LACDA, in accordance with the authority provided by Sections 20128.5 and 20145, of the PCC, and pursuant to Sections 20155 through 20155.9 of the PCC, to act in place of the Board in approving a project under a previously Board-awarded JOC if the amount to be paid to the contractor for the project does not exceed \$330,000, in accordance with certain procedures, and perform specified actions with respect to JOC projects that have been approved by the Board in accordance with certain procedures regarding: (a) authorization of project work orders; (b) acceptance of projects and filing notices of completion upon final completion of the project; (c) release of retention money withheld pursuant to applicable provisions of the PCC; (d) granting extensions of time on such projects due to delay deemed to be beyond the contractor's control; and (e) assessing liquidated damages, as authorized by Government Code Section 53069.85 and the contract specifications.

ENVIRONMENTAL DOCUMENTATION

The proposed actions do not constitute projects under CEQA. The recommended actions to introduce and adopt ordinances do not meet the definition of a project according to Public Resources Code Section 21065 and Section 15378(a) of the State CEQA Guidelines and are also excluded from the definition of a project under Section 15378 (b)(4) and (5) of the State CEQA Guidelines. Per these guidelines, the actions are administrative activities of government that will not result in direct or indirect physical changes in the environment, and also involve the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

Chapter 2.18 of Title 2, Section 2.18.040, has been amended to identify the Director of Public Works' authority to make findings of exemption under CEQA as appropriate and adds language to delegate Authority to the Director to find that activities are within the scope of environmental documents previously approved by the Board under the provisions of CEQA.

As individual projects are identified in the future, the involved departments will conduct appropriate

review to determine necessary actions under CEQA prior to implementing any activity that would be considered a project. The departments will return to the Board to recommend approval of any projects that are not exempt under CEQA, with the exception of activities approved by the Director of Public Works under Title 2, Section 2.18.040, as noted above.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Adoption of the proposed ordinances amending various Chapters of Title 2 –Administration – of the Los Angeles County Code will improve operational efficiencies and reduce time and costs required to provide real estate and construction related services.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Programs and Real Estate Divisions; Public Works, Project Management Division; Internal Services, Facilities Operations Service Division; Parks and Recreation; Los Angeles County Development Authority; Auditor-Controller; and County Counsel.

Respectfully submitted,



FESIA A. DAVENPORT

Acting Chief Executive Officer

FAD:DPH

BMB:MD:KAV:kb

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Internal Services
Los Angeles County Development Authority
Parks and Recreation
Public Works