ORDINANCE NO. 2026-407

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR REPEALING TITLE 1, CHAPTER 6, ARTICLE 1, SECTIONS 1-6-100 THROUGH 1-6-135 OF THE WINDSOR MUNICIPAL CODE AND REPLACING NEW PURCHASING POLICIES AND PROCEDURES 1-6-100 THROUGH 1-6-145

WHEREAS, the Town of Windsor's existing purchasing ordinance, codified in Title 1, Chapter 6, Article 1 of the Town of Windsor Municipal Code, was originally adopted in 1993 and has been amended periodically; and

WHEREAS, the existing ordinance no longer reflects current procurement practices, organizational structure, or state and federal legal requirements, and contains outdated thresholds, duplicative provisions, and detailed administrative procedures that are better addressed through internal policies; and

WHEREAS, the Town desires to modernize and streamline its purchasing regulations to improve clarity, efficiency, transparency, and accountability in the procurement of supplies, services, equipment, and public works; and

WHEREAS, the proposed new purchasing ordinance establishes clear definitions, updates purchasing authority levels, modernizes bidding thresholds, clarifies competitive bidding procedures, codifies change order authority, consolidates exceptions to bidding, and aligns public works contracting procedures with the California Uniform Public Construction Cost Accounting Act; and

WHEREAS, the proposed ordinance removes the outdated and overly prescriptive Environmentally Preferable Purchasing Requirements and replaces them with a concise provision requiring compliance with applicable state and federal environmental procurement laws, to be implemented through administrative policy; and

WHEREAS, the proposed ordinance adds a new section requiring compliance with federal procurement standards for purchases funded in whole or in part with federal grant funds, ensuring alignment with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200); and

WHEREAS, the Town Council finds that adoption of the new purchasing ordinance is in the best interest of the Town, will improve operational efficiency, and will ensure compliance with applicable state and federal laws; and

WHEREAS, the Town Council further finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because the ordinance has no potential to result in a physical change in the environment.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR DOES ORDAIN AS FOLLOWS:

Section 1.

Title 1, Chapter 6, Article 1 of the Town of Windsor Municipal Code is hereby repealed in its entirety.

Section 2.

A new Purchasing Ordinance, consisting of Sections 1-6-100 through 1-6-145, is hereby adopted to read as follows:

Section 1-6-100 – Definitions

Section 1-6-105 – Officers and Purchasing Authority

Section 1-6-110 – Purchasing Procedures and Thresholds

Section 1-6-115 – Competitive Bidding Procedures

Section 1-6-120 – Change Order Authority

Section 1-6-125 – Exceptions to Bid Policy

Section 1-6-130 – Public Projects and Public Works Contracting Procedures

Section 1-6-135 – Lowest Responsible Bidder and Local Business Preference

Section 1-6-140 – Compliance with Federal Requirements

Section 1-6-145 – Environmental Preferable Purchasing Requirements

1-6-100 Definitions

For the purposes of this chapter, the following terms shall have the meanings set forth below:

Approved project means any project, purchase, or contract for which funds have been appropriated by the Town Council through the annual budget or a separate council action.

Bid means a formal offer submitted in response to an invitation for bids, request for proposals, or other competitive solicitation issued by the Town.

Budgeted contingency means the amount of contingency funding authorized by the town council for an approved project, which may be used for change orders or unforeseen project needs.

Change order means a written modification to an existing contract that alters the scope, quantity, schedule, price, or other terms of the original agreement.

Contract means any agreement, purchase order, or other binding instrument for the procurement of supplies, services, equipment, or public works.

Contractor means any individual, firm, corporation, or entity that enters into a contract with the Town to provide supplies, services, equipment, or construction.

Department means any administrative unit of the Town of Windsor established by the town council or town manager.

Department head or director means the individual appointed to lead a Town department, or their designee, responsible for departmental purchasing and contract administration as provided in this chapter.

Emergency purchase means a procurement necessary to address an immediate threat to public health, safety, welfare, or essential Town operations, where delay would result in significant harm or interruption of service.

Professional services means services requiring specialized knowledge, expertise, or professional judgment, including but not limited to legal, financial, architectural, engineering, consulting, and similar services.

Procurement or purchasing means the process of acquiring supplies, services, equipment, or construction, including planning, solicitation, evaluation, negotiation, contract award, and contract administration.

Purchasing officer means the town manager, or the town manager's designee, appointed to administer and supervise the Town's purchasing function as provided in this chapter.

Responsive bid means a bid or proposal that meets all material requirements of the solicitation.

Responsible bidder means a bidder who has the capability, integrity, and reliability to perform the contract requirements.

Services means labor, consulting, maintenance, repair, or other work performed for the Town, excluding employment agreements.

Sole source means a procurement in which only one vendor is capable of providing the required supplies, services, or equipment due to unique characteristics, compatibility requirements, or other documented conditions.

Supplies or equipment means all goods, materials, furnishings, tools, vehicles, and other tangible items purchased or leased by the Town.

Surplus property means supplies, equipment, or materials that are obsolete, no longer needed, or unsuitable for Town use, as determined by the purchasing officer.

Using department means any Town department requesting or receiving supplies, services, or equipment through the purchasing process.

1-6-105 Officers and Purchasing Authority

Purchasing Officer. The town manager, or the town manager's designee, shall serve as the purchasing officer and shall have general supervision over the Town's purchasing function. The purchasing officer shall have the authority to:

A. Departmental Procurement. Purchase or contract for supplies, services, and equipment required by any using department in accordance with this chapter, administrative regulations issued by the purchasing officer, and any additional rules adopted by the town council or town manager. The purchasing officer may authorize and sign contracts and purchase orders up to fifty thousand dollars. Any purchase or contract exceeding fifty thousand dollars shall require authorization by the Town Council.

B. Contract Negotiation. Negotiate and recommend execution of contracts for the purchase of supplies, services, and equipment.

C. Best Value Procurement. Act to secure the quality and quantity of supplies, services, and equipment needed by the Town at the least expense consistent with efficient operations.

D. Promotion of Competition. Discourage uniform bidding and endeavor to obtain full and open competition on all purchases.

E. Policy Development. Prepare and recommend to the town council revisions or amendments to the purchasing rules.

F. Market Awareness. Remain informed of current developments in purchasing practices, prices, market conditions, and new products.

G. Forms and Procedures. Prescribe and maintain such forms and administrative procedures as are reasonably necessary for the operation of this chapter.

H. Surplus Property Management. Recommend the transfer of surplus or unused supplies and equipment between departments and the sale or disposal of supplies and equipment that cannot be used or have become unsuitable for Town purposes.

I. Delegation of Authority. Delegate purchasing authority to appropriate Town staff in accordance with this chapter and administrative regulations.

Department Heads. Department heads shall have the following purchasing responsibilities:

A. Departmental Purchasing Authority. Purchase or contract for supplies, services, and equipment required by their department in accordance with this chapter, the administrative

regulations issued by the purchasing officer, and any additional rules adopted by the town council or town manager. Department heads may authorize and sign contracts and purchase orders up to twenty-five thousand dollars.

B. Inspection and Acceptance. Supervise the inspection of all supplies, services, and equipment purchased for the department to ensure conformance with specifications.

C. Verification of Deliveries and Services. Inspect supplies and equipment delivered, and contractual services performed, to determine compliance with the specifications set forth in the order or contract. The purchasing officer may require chemical or physical testing of bid samples or delivered goods to verify quality and compliance.

D. Delegation of Limited Purchasing Authority. Delegate purchasing authority for transactions up to thirty-five hundred dollars to designated staff within the department, consistent with administrative regulations issued by the purchasing officer.

Administrative Services Director. The Administrative Services Director shall have the following responsibilities:

A. Review and process payment to vendors after receiving properly coded and approved invoices.

B. Prepare the warrant/check register and submit to the town clerk for and process vendor payment issuance.

C. Delay processing payments to vendors if an agreement is void or if insufficient budgetary appropriation is available. Purchase orders and professional service agreements are void if any of the following is true:

a. The term of the agreement has expired;

b. The not-to-exceed amount specified by the agreement has been exceeded; or

c .The services performed are other than specified in the agreement.

D. Purchase or contract for supplies, services and equipment required by any using department in accordance with purchasing procedures prescribed by this chapter, administrative regulations as the purchasing officer shall adopt for the internal management and operation of the purchasing function and such other rules and regulations as shall be prescribed by the town council and town manager. All contracts and purchase orders entered into pursuant to the provisions of this chapter may be authorized and signed by the purchasing officer. Any purchase or contract whose cost to the town exceeds twenty five thousand dollars shall be authorized by the purchasing officer.

1-6-110 Purchasing Procedures and Thresholds

Purchases. Purchase orders may be used for the purchase of supplies, services and equipment. If a purchase order is not used, the purchasing officer prescribes using approved invoices coded and signed by appropriate staff. Purchase orders and invoices may be used for an amount as specified in the Town's administrative policies.

Encumbrance of funds. Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies, services or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged.

Purchase amount. The following provisions apply in determining the purchasing authority thresholds identified in in this chapter:

A. Cumulative Amounts. The amount of multiple purchases or contracts from the same vendor shall be aggregated on a department basis for each fiscal year.

B. The splitting of purchases to circumvent the purchasing authority thresholds shall be prohibited.

C. Multi-Year Contracts. The total not to exceed amount for the entire term of a multi-year contract shall be used to determine the purchase amount and purchasing authority.

1-6-115 Competitive Bidding Procedures

Informal bid. For purchases of supplies, services, professional services, personal property and equipment in an amount less than fifty thousand dollars, the purchasing officer shall use the following procedures:

A. For purchases having an estimated value of three thousand five hundred dollars or less, informal quotes may be obtained from vendors, but are not required.

B. For purchases having an estimated value of more than three thousand five hundred dollars, but less than fifty thousand dollars, informal price or rate quotations shall be obtained from an adequate number of vendors as specified in the administrative policy, approved by the town manager to justify to price is reasonable and the lowest possible cost commensurate with quality needed.

C. If two or more bids received are for the same total amount or unit price, quality and service being equal, the purchasing officer may accept either bid, or accept the lowest bid offered following negotiations with the tie bidders.

Formal bid. Purchases of supplies, services, professional services, personal property and equipment with an estimated value of fifty thousand dollars or more shall be made as follows:

A. Purchases of fifty thousand dollars or more require town council approval.

B. A "notice inviting bids" shall be prepared and shall include a general description of the goods or services to be purchased or sold, where bid instructions and specifications may be obtained, the time and place for bid openings, and whether a bid deposit or bond, or other security, such as performance, payment or maintenance bonds, will be required.

C. The town shall publish the notice inviting bids to potential qualified vendors.

D. When required by law or deemed appropriate by the purchasing officer, and if included in bid instructions, bidders shall submit a bid deposit or bond in an amount determined by the purchasing officer. Bidders shall be entitled to return of bid security, except that a successful bidder (and a successful bidder's surety, if a bid bond is required) shall be liable for any damages suffered or incurred by the town upon refusal or failure to execute a contract within ten days after the notice of award of contract has been mailed, unless the town is responsible for the delay.

E. The town council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the town council awards the contract to the next lowest bidder following a forfeit of the bid security by the lowest bidder, the amount of the lowest bidder's bid security shall be applied by the town to the difference between the low bid and the second lowest bid; the surplus, if any, shall then be returned to the lowest bidder.

F. When deemed appropriate by the purchasing officer or designee, and if included in bid instructions, any person or entity entering into a contract with the town shall furnish a faithful performance deposit or bond in an amount determined by the purchasing officer.

G. If sealed bids are required, bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be available for public inspection in accordance with the California Public Records Act.

H. Contracts may be awarded by the town council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended. The town council may waive any bid defect or irregularity.

I. If two or more bids received are for the same total amount or unit price, the town council may accept either bid, or accept the lowest bid offered following negotiations with the tie bidders.

J. A labor and materials bond, plus a performance bond may be required, from an acceptable surety, in such amounts and in such a form as the purchasing officer finds reasonably necessary to protect the public interest.

Rejection of bids. The town council may, for any reason, reject all bids, and at its discretion, abandon acquisition or rebid.

1-6-120 Change order Authority

Change orders for approved projects shall be authorized as follows:

A. Purchasing Officer Authority. The purchasing officer may authorize change orders up to the amount of the budgeted contingency approved by the town council for the project.
B. Department Director Authority. The director of the supervising department may authorize change orders that do not exceed twenty-five thousand dollars and do not exceed the budgeted contingency authorized by the town council for the project.

C. Delegated Staff Authority. Staff delegated by a department head may authorize change orders that do not exceed thirty-five hundred dollars and do not exceed the budgeted contingency authorized by the town council for the project.

1-6-125 Exceptions to bid policy

The bidding procedures may be dispensed under the following circumstances:

A. Consultants. Contracts involving the acquisition of professional or specialized services, such as but not limited to services rendered by architects, attorneys, engineers, accountants and other classes where the town must depend upon the skill, integrity, judgment and ability of the service, are exempted from the formal and informal bidding requirements of this chapter. All such contracts shall be awarded by the town to the consultant whose proposal is evaluated to be the most responsive to the needs of the town, as determined by the purchasing officer or, in the case of contracts exceeding fifty thousand dollars, the town council.

B. Notwithstanding any other provision of law, contracts for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services, and any other profession set forth in Government Code Section 4525, shall be on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of services required and not solely on price, pursuant to Government Code Section 4529.10, et seq.

C. Where the department head for whom such services are to be performed and the town's purchasing officer determines that the services needed are more of a technical nature and involve little professional judgment, they may determine that requiring bids pursuant to this chapter would be in the public interest.

D. Specialized services combined with equipment and/or products. Contracts involving the acquisition and/or installation of equipment, intellectual property or other tangible products (collectively referred to as "products") and the retention of specialized services, such as consulting, training, installing, maintaining or servicing the products, which are an integral or important part of the use, operation, or functionality of the products, are exempted from the formal and informal bidding requirements of this chapter.

E. Sole source contracts.

1. Sole source contracts shall be excepted from the formal and informal bidding requirements of this chapter. A sole source contract shall exist where the town's requirements can be met only by a single patented article or process, or when there is only one feasible source that meets the town's requirements.

2. Except as provided for in Public Contract Code Section 3400, specifications for contracts for the construction, alteration or repair of public works shall not be drafted in such a manner as to limit the bidding, directly or indirectly, to any one specific concern, brand or trade name.

F. Emergency. When an emergency requires the immediate procurement of supplies, equipment or services, such procurements are exempted from the formal and informal bid requirements of this chapter. For the purposes of this section, an emergency shall be deemed to exist only if:

1. There is a great public disaster; or

2. There is an immediate need to prepare for national or local defense; or

3. There is a breakdown in machinery or an essential service which requires the immediate procurement of supplies and equipment to protect the public health, welfare or safety; or

4. An essential departmental operation affecting the public health, welfare or safety would be greatly hampered if the prescribed purchase would cause an undue delay in the procurement of the needed item; or

5. The town manager determines that an emergency purchase is necessary to ensure operational efficiency and/or fiscal responsibility for the town.

In such an emergency and notwithstanding subsection A of this section, the town manager is delegated the authority to make a purchase or enter into a contract in an amount up to and including one hundred thousand dollars which shall be reported to the town council at its next regularly scheduled meeting. In the event of a declaration of emergency and activation of the emergency operations center, those procedures shall apply and not be subject to the contracting authority limits in this chapter.

G. Cooperative purchasing. The town may join with other government agencies for the joint purchase of equipment, materials, supplies and services. The town may also buy directly from a vendor at a price established by competitive bidding by another public jurisdiction even if the town had not joined with that public agency in a cooperative purchase. The town may also purchase from the United States of America or any state, municipality or other public corporation or agency, or through a cooperative purchasing program established by the state or the United States, without calling for bids.

H. Leases and lease purchases. The town may contract to lease or lease-purchase materials, vehicles and equipment without calling for bids.

I. Used items. The town may purchase used items without calling for bids.

J. Public projects, as defined by Section 20002 of the California Public Contract Code.

1-6-130 Public projects and public works contracting procedures

Public projects, as defined by Section 22002 of the California Public Contract Code, may be performed by Town employees by force account, by negotiated contract, or by purchase order, as specified in Section 22032 of the Public Contract Code, and may be awarded using informal or formal bidding procedures, in accordance with the thresholds and requirements set forth in Sections 22032 et seq. of the Public Contract Code, as it may be amended from time to time. Informal bid procedures for public contracts:

A. Contractors' list. The public works director shall develop and maintain a list of contractors in accordance with the provisions of Public Contract Code Section 22034 and the criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission ("Commission").

B. Notice inviting informal bids. If a public project subject to the provisions of this subsection is to be performed, a notice inviting informal bids shall be mailed to all contractors for the category of work to bid as shown on the list referred to above or to all construction trade journals as specified by the 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 department soliciting bids; provided, however:

a. If there is no list of qualified contractors maintained by the town for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the commission; and

b. If the project or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, then the notice inviting formal bids may be sent exclusively to such contractor.

c. All mailing of notices to contractors and construction trade journals pursuant to this subsection shall be completed not less than ten calendar days before bids are due.

d. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

e. If all bids received are in excess of the thresholds and requirements set forth in Sections 22032 et seq. of the Public Contract Code , the town council may, by adoption of a resolution by a four-fifths vote, award the contract, at the thresholds and requirements set forth in Sections 22032 et seq. of the Public Contract Code or less, to the lowest responsible bidder, if it determines the cost estimate was reasonable.

C. Award of contracts. The town manager is authorized to award and execute all contracts of fifty thousand dollars or less. The town manager or designee shall make recommendations to the town council for purposes of award of all other contracts under this section.

Formal bid procedures for public contracts:

A. As set forth in Public Contract Code Section 22037, notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least fourteen calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the town; or, if there is no newspaper printed and published within the jurisdiction of the town, in a newspaper of general circulation which is circulated within the jurisdiction of the town, or, if there is no newspaper which is circulated within the jurisdiction of the town, publication shall be by posting the notice in at least three places within the jurisdiction of the town as have been designated by ordinance or regulation of the town as places for the posting of its notices. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Section 22036. The notice shall be sent at least 15 calendar days before the date of opening the bids. In addition to notice required by this section, the public agency may give such other notice as it deems proper.

B. In its discretion, the town may reject any bids presented, if the town, prior to rejecting all bids and declaring that the project can be more economically performed by its own employees, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the town's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the town intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the town shall have the option of either of the following:

a. Abandoning the project or readvertising for bids.

b. By passage of a resolution by a four-fifths vote declaring that the project can be performed more economically by the employees of the town, may have the project done by force account without further complying with this section.

c. If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the town may accept the one it chooses.

d. If no bids are received through the formal or informal procedures, the project may be performed by town employees by force account, or negotiated contract without further complying with this section.

C. The town council shall adopt plans, specifications, and working details for all public projects exceeding the thresholds and requirements set forth in Sections 22032 et seq. of the Public Contract Code . Any person may examine the plans, specifications, or working details, or all of these, adopted by the town for any project.

D. Emergencies. In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or diving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a

combination of the two. In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 of the Public Contract Code, commencing with Section 22050.

E. Pursuant to California Public Contract Code Section 22160 et seq., the town is authorized to use design-build contracts for public works projects as defined in Public Contract Code Section 22161 over one million dollars with an award of contract either to the low bid or the best value as defined by statute or in any other situations that may be authorized by state law. As required by Section 22162, a design professional or other consultant who under contract with the town provides assistance related to the design-build procurement, including but not limited to preparing the documents for the request for qualifications or request for proposals documents envisioned in Section 22164 shall be prohibited from participating with the design-build entity.

1-6-135 Lowest responsible bidder and local business preference

A. For purposes of this chapter, "lowest responsible bidder" means that bidder which best responds in price, quality, service, fitness, or capacity to the particular requirements of the town, as recommended by the town manager or determined by the town council. Price alone shall not be the determining factor but shall be considered along with other factors including, but not limited to, the ability, capacity and skill of the bidder; whether the bidder can perform promptly, without delay or interference; the character, integrity, reputation, judgment, experience, and efficiency of the bidder; the quality of the bidder's performance of previous town contracts or service; previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; sufficiency of the financial resources and ability of the bidder to perform; quality, availability, and adaptability of the supplies or contractual service to the particular use required and conformance to specifications; ability to provide future maintenance and service; and the number and scope of conditions attached to the bid.

B. Notwithstanding anything to the contrary in this chapter, and to the extent not prohibited under state or federal law, regulations, or funding restrictions, formal or informal bids for non public works projects, supplies, services and equipment that are made by small local businesses, as defined by this section, shall be tabulated as if five percent below the figure actually set forth in the bid for the purpose of determining the lowest responsible bidder, so long as the bids are otherwise equal in responsibility and quality. The total amount of preference granted in a single bid shall not exceed five thousand dollars. The town, when seeking bids for supplies, services, and equipment, will notify bidders that bids will be evaluated on the basis of a local preference of five percent of the bid price.

C. A business shall be deemed a "small local business" for the purposes of this chapter if it has a place of business (other than a post office box) within the town and has a valid, current business license issued by the town. To qualify as a small local business under this chapter, the business shall submit with its bid a completed affidavit that documents that it has a facility within the Town of Windsor and with a Windsor address; that it will attribute sales tax from the sale to the Town of Windsor, if applicable; that the business has had a Town of Windsor business license for at least three months prior to the opening of the bid; and that it either employs fewer than fifty

employees or has average annual gross receipts of two million dollars or less. A business shall qualify even though it is a franchisee of a larger chain.
1-6-140 Compliance with federal requirements.

A. In addition to the provisions of this chapter, the procurement of all contracts for goods, services, and equipment that are funded in whole or in part with federal grant funds shall be subject to applicable Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards promulgated by the United States Office of Management and Budget, 2 U.S. Code of Federal Regulations Part 200.

B. Conflicts of Interest Involving Federal Funds. No town employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

1-6-145 Environmentally Preferable Purchasing.

The Town shall comply with all applicable state and federal laws governing environmentally preferable purchasing, including but not limited to the Public Contract Code, CalRecycle procurement requirements, the State's recycled-content mandates, and applicable U.S. Environmental Protection Agency guidelines. The town manager, or designee, may adopt administrative procedures to promote environmentally preferable purchasing practices consistent with these laws and the Town's operational needs.

Section 3. Environmental Findings.

The Town Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that this ordinance may have a significant effect on the environment.

Section 4. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The Town Council declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared to be invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date.

This ordinance takes effect thirty (30) days from the date of its adoption.

Section 6. Publication or Posting.

The Town Clerk shall certify to the adoption of this ordinance and cause it to be published, or to be posted in at least (3) three designated public places in the Town of Windsor, in accordance with Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this 3rd day of June 2026, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**COUNCILMEMBER WALL**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK