

64. Introduce and preliminarily adopt Ordinance No. NS-300.983, an Ordinance of the Board of Supervisors of the County of Santa Clara amending Section A15-17 of Article 3 of Chapter I of Division A15 of the Santa Clara County Ordinance Code relating to the Direct Payment List. (ID# 24-5278)

ORDINANCE NO. NS-300.983

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
AMENDING SECTION A15-17 OF ARTICLE 3 OF CHAPTER I OF DIVISION A15 OF
THE COUNTY OF SANTA CLARA ORDINANCE CODE RELATING TO DIRECT
PAYMENT LIST**

Summary

This Ordinance amends the Direct Payment List to increase the authorized amount for direct payment relating to Worker's Compensation legal fees from less than \$25,000.00 per vendor per fiscal year to less than \$50,000.00 per vendor per fiscal year.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
ORDAINS AS FOLLOWS:**

SECTION 1. Section A15-17 of Article 3 of Chapter I of Division A15 of the Ordinance Code of the County of Santa Clara relating to Direct Payment List is hereby amended to read as follows (additions in underline; deletions in ~~striketrough~~):

Sec. A15-17. Direct payment list.

- (a) *Purpose.*
- (1) The Board adopts this section to approve a list of goods and services which may be directly acquired by County agencies and departments (the "Direct Payment List").
 - (2) The Board has the authority to purchase goods and services on behalf of the County and has authorized the County's Director of Procurement (the County's purchasing agent) to acquire goods and certain services for the County in accordance with Chapter IV of Division A34. The Direct Payment List constitutes a delegation of the Board's and the Director of Procurement's authority.
 - (3) This section replaces repealed Ordinance No. NS-3.44, an uncoded ordinance adopted by the County on September 13, 2005.
 - (4) Some codes on the Direct Payment List have been eliminated. As a result, the numbers are not consecutive. To allow for historical tracking, the codes have not been renumbered.
 - (5) The goods and services described on the Direct Payment List are those for which a formal procurement process is either impracticable or would not offer a benefit

to the County commensurate with the cost of such process.

- (b) *Direct payment list.* Direct payment shall not be used by County departments and agencies to pay for any goods or services or to make any disbursements that are not identified below. The following goods, services, and disbursements shall be paid for directly by County departments and agencies only if there is no existing County contract for the goods, services, or disbursements:

A. BOARD APPROVED PAYMENTS:

1. Payments approved by the Board as evidenced in an approved Board agenda.

B. PAYMENTS AUTHORIZED PURSUANT TO STATUTE:

2. Election expenses (Elections Code Sections 13001 and 14100). Restricted for use by the Registrar of Voters.
3. Expenses of the Sheriff, Corrections, District Attorney, County Counsel, and Public Defender departments (not including general office supplies, books, educational expenses) under Gov. Code Sections 27642, 29601, and 29602 including, but not limited to, the following:
 - a. Expenses of Laboratory Criminalistics for outside lab work.
 - b. Investigative expenses.
 - c. Pre-booking medical care expenses.
7. Publication of legal notices (Gov. Code Sections 6060, 25124). Legal notice includes official advertising, resolutions, orders, ordinances, and other matters that are required by law or regulation to be published in a newspaper of general circulation under these statutes or any others.
8. Public Guardian/Administrator expenses for support and care of conservatees (Gov. Code Section 27435).
12. Non-recurring expenses incurred to adopt children eligible for Adoption Assistance Program (W & I Code Section 16120.1).
16. Rewards authorized by law to be given to persons for providing vital information (Gov. Code Section 26207 and any other applicable statute or ordinance).
18. Towing, storage and other costs related to: 1) impoundment and forfeiture of towed vehicles; 2) vehicles confiscated for evidence purposes or as necessary to motor vehicles in accordance with Vehicle Code Section 14607.6; 3) improper compliance with law.

19. Payment by SSA Adult Protective Services Division on behalf of elder and dependent adults as required by Welfare and Institutions Code Section 15763.

C. PAYMENTS REQUIRED BY COURT ORDER:

2. Reporter and transcript fees (Gov. Code Section 69952).
3. All other payments ordered by court.

D. PAYMENTS AUTHORIZED BY THE BOARD OF SUPERVISORS THROUGH OTHER ACTIONS:

1. ESA Insurance Payments - Board granted approval authority up to \$7,500.00 by individual adjuster, up to \$20,000.00 by Insurance Claims Supervisor and up to \$50,000.00 by Director of Employee Services Agency.
2. California Children Services.
9. Housing and Community Development loans and grants approved by the Housing Loan Committee as designated by the County Executive.

E. UTILITY PAYMENTS FOR COUNTY FACILITIES OR COUNTY BUSINESS:

1. County bills for electricity, natural gas, water, telephone usage, internet connection, garbage (wet) and rubbish (dry). Special hauling jobs are excluded from this category.

F. PAYMENTS AUTHORIZED BY ORDINANCE:

1. Travel, lodging, or meal expenses incurred by any person, group, appointive board or commission providing services to the County without compensation or by any representative designated by the Board to maintain Sacramento or Washington offices in accordance with Ordinance Code Section A31, the Travel Policy Desk Reference Manual, and other applicable Board policies. Restricted for use by the Controller-Treasurer and SSA.

G. PAYMENTS PURSUANT TO LABOR AGREEMENTS:

1. Arbitration expenses, hearing officer expenses.
3. Tuition reimbursement.
4. State Bar Association dues. Restricted for use by the County Counsel, Public Defender, District Attorney, and Department of Child Support

Services.

H. APPROVED BY BOARD OF SUPERVISORS BY DIRECT PAYMENT LIST:

1. Advertising, in any media, for the recruitment of personnel, volunteers, and foster parents not to exceed \$5,000.00 per occurrence.
7. Fees for participation in fairs and exhibitions if (1) the participation relates directly to the duties or functions of the County department or agency and (2) the fee has been approved by the Department Head or designee and the Chief Operating Officer.
8. ESA payment of insurance premium up to \$200,000.00 and insurance legal and adjusting payments up to \$25,000.00 per fiscal year per vendor.
9. Individual, department, or agency membership in any professional organization if (1) the membership assists the individual, department, or agency in performing their County duties or functions; (2) the membership is approved by the Department Head or designee; and (3) the County Procurement Card cannot be used.
10. Labor contract negotiation expenses not to exceed \$1,000.00 per occurrence. Expenses over \$1,000.00 per occurrence must be approved by the Department Head or designee. Restricted for use by ESA,
12. Reissue stale dated or missing warrant/check.
13. Mandatory payments to other government agencies.
15. Non-mandatory payments to other governmental agencies for goods or services provided directly to the County that do not exceed \$2,500.00 per occurrence.
16. Recruitment Oral Board expenses, including facility related charges, such as room rental charges and refreshments; and travel expenses of oral board members who are not county employees.
18. Payroll related payments - PERS (Public Employees Retirement System), Credit Union, Insurance, etc. Restricted for use by the Controller-Treasurer and ESA.
19. Property tax and assessments apportionments - mandatory payments per laws and regulations. Restricted for use by the Controller-Treasurer.
20. Postage when the County Procurement-Card cannot be utilized. For e.g., replenish postage meters.
22. Revenue refunds, reimbursements of deposits from third parties that do

not require appropriations, and disbursements of funds of a County-commission managed by a County department.

26. Transportation (non-travel) for use by employees, clients or volunteers as required by law or labor agreement. Restricted for use by CSCHS, SSA, Department of Correction and Probation only.
27. Worker's Compensation Medical Expenses, including mileage reimbursements, medical supplies, pharmacy bills, durable medical equipment, etc., as required by Labor Code section 4600.
28. Worker's Compensation Disability Payments - Disability payments to claimants and settlements to claimant attorney.
29. Valley Health Plan payment to providers for medical services. Notwithstanding the language in subsection (b) above, this provision applies despite the existence of a contract.
32. SCVH - Hospital Council of Northern California - goods and services other than membership fees.
33. Procurement of mother's milk and body tissues from the Institute for Medical Research (CSCHS only).
34. SCVH - Joint Commission on Accreditation of Hospitals expense.
38. Worker's Compensation legal fees less than ~~\$2550~~,000.00 per vendor per fiscal year.
39. Payment of incentive by SSA to clients (seniors, Foster Care youths, etc.) for program accomplishments not to exceed \$1,000.00 per occurrence. Payments over \$1,000.00 per occurrence must be approved by the Department Head or designee.
42. Payments to child care providers covered by the Child Development Program (a public assistance program).
43. Payments to legal counsel pursuant to Ordinance Code sections A18-70—A18-72. Restricted for use by SSA only.
46. Payment of bank charges or fees incurred by the County for banking or financial services (i.e. bank service charges, merchant's credit card fees, etc.).
47. Per diem for attendance of board, commission, grand jury and similar meetings pursuant to Board policy.
48. Payments for services provided through the California State Association

of Counties (CSAC).

49. Payment to outside providers for non-recurring medically necessary services provided to SCVH patients of up to \$50,000.
50. Payments to interpreters/translators for Social Services Agency where services required by federal law or court.
51. Rent and respite payments incurred for the Family Preservation Program.
52. Debt service payments, issuance and administrative costs, and incidental fees associated with Board approved indebtedness. Restricted for use by the County Executive and the Controller-Treasurer.
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64. Reimburse employees for payments authorized by MOUs and agreements with labor organizations and individual employee contracts.
65. Valley Health Plan payment to brokers for the sale of Valley Health Plan Covered California and Individual and Family Plans. Notwithstanding the language in subsection (b) above, this provision applies despite the existence of a contract.

I. NON-COUNTY DISBURSEMENT.

1. All non-county government payments from or on behalf of the Santa Clara County Library District, the Santa Clara County Office of Education, fire districts, special districts, joint powers authorities or other California government agencies.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.
ATTEST:

CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

TONY LOPRESTI
County Counsel

3009640

ORDINANCE NO. NS-300.983

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PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

SUSAN ELLENBERG, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.
ATTEST:

CURTIS BOONE
Acting Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



TONY LOPRESTI
County Counsel

3009646

County of Santa Clara
Office of the County Executive



24-5278

DATE: April 16, 2024
TO: Board of Supervisors
FROM: Greta S. Hansen, Chief Operating Officer
Margaret Olaiya, Director, Finance Agency
SUBJECT: Direct Pay Ordinance Amendment

RECOMMENDED ACTION

Introduce and preliminarily adopt Ordinance No. NS-300.983, an Ordinance of the Board of Supervisors of the County of Santa Clara amending Section A15-17 of Article 3 of Chapter I of Division A15 of the Santa Clara County Ordinance Code relating to the Direct Payment List.

FISCAL IMPLICATIONS

This action will have no impact to the County General Fund. Funding for court reporter services for workers' compensation matters is included in the Office of the County Executive Risk Management Division's Fiscal Year 2023-2024 approved budget.

REASONS FOR RECOMMENDATION AND BACKGROUND

The Office of the County Executive is requesting an amendment to the Direct Payment List to increase the amount in Direct Pay Code H.38, Worker's Compensation legal fees, from \$25,000 per vendor per year to \$50,000 per vendor per year.

The Office of the County Counsel provides legal support to the Worker's Compensation Program, including conducting depositions during claims litigation. Depositions require the use of a court reporter. The Office of the County Counsel utilizes a pool of vendors that are paid using Direct Pay Code H.38, which currently has a limit of \$25,000. Increasing this limit to \$50,000 per vendor per year would allow for the utilization of vendors to support the level of services that have been required over the past few years. The increase would also allow greater flexibility for use of more cost-effective vendors.

CHILD IMPACT

The recommended action will have no/neutral impact on children and youth.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

Approved: 04/16/2024

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.

STEPS FOLLOWING APPROVAL

Upon approval and adoption of ordinance, Clerk of the Board is to notify Michele Seaton and Melissa Loo in the Office of the County Executive.

ATTACHMENTS:

- Ordinance NS 300 983 amending Direct Payment List redlined
- Ordinance NS 300 983 amending Direct Payment List