

**AN ORDINANCE OF THE OJAI BASIN GROUNDWATER MANAGEMENT
AGENCY ESTABLISHING POLICY FOR CONTRACTING FOR
PROFESSIONAL CONSULTING SERVICES**

ORDINANCE No. 6

Whereas, The Ojai Basin Groundwater Management Agency (Agency) has been established by legislation (*Stats.1991, c. 750(S.B. 534).*); and,

Whereas, the enabling law, known as the Ojai Basin Groundwater Management Act (“Authorizing Act”), provides in Section 131-404(a) that the Board of Directors of the Agency may adopt ordinances for the purpose of monitoring, regulating, conserving, managing, and controlling the use and extraction of groundwater within the boundaries of the agency; and,

Whereas, the Authorizing Act provides in Section 131-409 that the Agency may contract for staff and other services and may hire other contractors and consultants; and

Whereas, the Authorizing Act provides in Section 131-501 the authority of the Agency to collect data and conduct technical and other investigations, and further provides that all hydrological investigations carried by, or on behalf of, the Agency shall be conducted by, or under the supervision of, licensed engineers or other persons qualified in groundwater geology or hydrology; and

Whereas, the Agency desires to establish a standardized policy governing service contracts between the Agency and Professional Consultants as defined in Section 3 herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE OJAI BASIN GROUNDWATER MANAGEMENT AGENCY AS FOLLOWS:

Section 1. Title.

Ordinance No. 6 shall be known as the “Ojai Basin Groundwater Management Agency Professional Consulting Service Contracting Policy.”

Section 2. Purpose and Intent.

To provide the Agency with a standardized policy governing service contracts with Professional Consultants as defined in Section 3 herein.

Section 3. Definitions.

All terms, phrases and words shall have the meaning assigned to such terms, phrases and words as commonly understood or as expressly defined in the Agency's Authorizing Act or as defined herein.

a. "Basin" shall mean the Ojai Groundwater Basin as shown in the Department of Water Resources Bulletin No. 12, "Ventura County Investigation," dated October 1953, to the extent included within the boundaries of the Agency, as defined in Section 201 of the Agency's Authorizing Act.

b. "Agency" shall mean the Ojai Basin Groundwater Management Agency.

c. "Person" shall mean any person, state, or local governmental agency, private corporation, firm, partnership, individual, group of individuals or, to the extent authorized by law, and federal agency.

d. "Professional Consultant" shall refer to those professional consultants providing services related to hydrological, geological, and hydrogeological investigations, reports or any other professional services and activities for which the Agency has responsibility and authority under its Authorizing Act.

e. "Local Agency Head" shall mean the Board of Directors or the General Manager, as designee, which shall be governed by all provisions set forth in Government Code Sections 4525-4529.5 pertaining to the Local Agency Head, as set forth therein.

Section 4. Establishment of a Policy on Contracting for Professional Consulting Services.

a. The Agency shall only contract with a Professional Consultant when one or more of the following situations occur.

i. Specialized skill, experience, or abilities are required which are not possessed by Agency staff members available for assignment to the required work.

ii. Specialized equipment and/or facilities are needed for the required work, which specialized equipment and/or facilities are not possessed and/or operated by the Agency, but are possessed and/or operated by a Professional Consultant.

iii. There is insufficient Agency staff available to accommodate the staffing needs of the required work.

b. All contracts entered into between the Agency and a Professional Consultant shall be consistent with Government Code Sections 4525-4529.5 as those sections pertain to the Local Agency Head.

c. The Agency shall generally issue Request for Qualifications/Request for Proposals prior to contracting with a Professional Consultant.

d. The Agency may, at its option, contract with a Professional Consultant as a sole source contract under the following conditions and/or criteria:

i. Consulting professional shall have a statement of qualifications on file with the Agency prior to the selection of any consulting firm.

ii. The Professional Consultant chosen for a sole source contract with the Agency shall demonstrate sufficient prior knowledge of the Agency, the tasks involved, and the desired results for the benefit of the Agency and the groundwater basin.

e. The Board of Directors or the General Manager, as designee, shall be designated by the Board of Directors as the Local Agency Head for the purposes of this ordinance.

f. Any contract by and between the Agency and a Professional Consultant shall be approved by a majority vote of the Board of Directors.

Section 5. Termination Date.

This Ordinance shall remain in full force and effect until repealed by action of the Board of Directors of the Agency.

Section 6. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance and its implementing rules and regulations is for any reason held to be unconstitutional or invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Directors hereby declares and determines that it would have passed this ordinance and its rules and regulations, irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase of this ordinance and its implementing rules and regulations may be determined to be unconstitutional or invalid.

PASSED AND ADOPTED by the Board of Directors of the Agency, State of California by the following vote on August 28, 2008:

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 0

ATTEST:

Jerry Z. Conrow
Jerry Conrow, President

Cece VanDerMeer
Cece VanDerMeer, Secretary