



## ORDINANCE NO. 5965

AN ORDINANCE AMENDING ORDINANCE NO. 5612 TO CLARIFY THE PROCEDURES USED FOR PERSONAL SERVICES CONTRACTS RELATED TO MUNICIPAL COURT SERVICES.

WHEREAS, AMC Chapter 2.66, Procurement, was established February 23, 2005, resulting from the State of Oregon's update to the Public Contracting Code and by the adoption of the Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under ORS 279A, 279B and 279C, and in the AMC were adopted as the City's Public Contracting Rules; and

WHEREAS, in addition to the model rules, Ordinance No. 5612 provided for the inclusion of supplemental rules, as well as modifications to public purchasing procedures; and

WHEREAS, AMC 2.66.070 allows for the City Manager or designee to determine the procedures to be employed in the selection of personal service contractors, including direct appointment or acquisition for certain contracts or classes of contracts; and

WHEREAS, Ordinance No. 5656 amended the definition of Personal Services Contracts for clarity by expanding the definition; and

WHEREAS, personal service contracts established for the City Attorney and the City Judge use a selection process in accordance with 2.66.070, using a direct appointment method following an internal review process, exempt from the procurement competitive bidding processes; and

WHEREAS, using a similar selection method to acquire the City's Defense Attorney will provide consistency and standardization for awarding municipal court personal service contracts.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Chapter 2.66, Procurement, is hereby amended to add the following:

2.66.070 Personal Services Contracts


(1) Except for architect, engineers, land surveyors, and related service providers, whose appointment shall be governed by the model rules, the City Manager or his/her designee may determine the procedures to be employed in the selection of personal service contractors. These procedures may include any of the procedures authorized for the procurement of goods and services under the Model Code including direct appointment or acquisition, **or a hybrid method incorporating qualification review, interviews and/or direct appointment.** The City Manager may promulgate policies and procedures, which shall provide guidance concerning selection procedures to be employed for certain contracts or classes of contracts, **used for the City Municipal Court personal services contracts, i.e., City Attorney, Municipal Judge and Defense Attorney.** Any policies and procedures adopted by the City Manager as provided above are for internal City purposes only and do not limit or proscribe the authority of the City Manager or his/her designate regarding any particular contract.

(2) Personal services contract means, in general, a contract with an independent contractor predominantly for services that require special training or certification, skill, technical, creative, professional or communication skills or talents, unique and specialized knowledge, or the exercise of judgment skills, and for which the quality of the service depends on attributes that are unique to the service provider. Such services specifically include, but are not limited to, the services of architects, engineers, land surveyors, attorneys, auditors and other licensed professionals, artists, designers, computer programmers, performers, consultants and property managers. The City Manager or designee shall have discretion to determine whether additional types of services not specifically mentioned in this paragraph fit within the general definition of personal services.

Passed by the Council: August 11, 2021

Approved by the Mayor: August 11, 2021

Effective Date: September 10, 2021

  
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Mayor



ATTEST:

Mary Dibble  
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City Clerk