

**ORDINANCE NO. 1305**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE ANY AGREEMENTS OR AMENDMENTS WITHIN THE AUTHORITY LEVEL SET IN THE CITY'S PURCHASING POLICY; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE OTHER AGREEMENTS FOLLOWING APPROVAL OF CITY COUNCIL; AND DELEGATING THE CITY COUNCIL'S AUTHORITY TO DETERMINE THAT AN ALTERNATIVE PROCUREMENT METHOD FOR ANY CONSTRUCTION CONTRACT PROVIDES THE BEST VALUE TO THE CITY OF KYLE, UNDER SECTION 2269.056 OF THE TEXAS GOVERNMENT CODE, TO THE CITY MANAGER, OR DESIGNEE.**

**WHEREAS**, the City Charter of the City of Kyle (the "City") gives the Mayor the authority to execute any agreements of the City, but does not specifically require that all agreements be executed by the Mayor; and

**WHEREAS**, the City's Purchasing Policy, as approved by City Council, currently delegates to the City Manager the authority to approve purchases and expenditures of less than \$50,000; and

**WHEREAS**, in the interest of efficiency, the City Council wishes to authorize the City Manager, or designee, to execute agreements and amendments within the dollar amount of the City Manager's purchasing authority without the need for City Council approval; and

**WHEREAS**, in the interest of efficiency, the City Council wishes to authorize the City Manager, or designee, to execute other agreements after such agreements are approved by City Council; and

**WHEREAS**, the City Council specifically finds that authorizing the City Manager, or designee, to execute agreements in accordance with this ordinance is not inconsistent with any provision of the City Charter; and

**WHEREAS**, Section 2269.053(a) of the Texas Government Code authorizes the City Council to delegate its authority regarding any action required by Chapter 2269 of the Texas Government Code to a designated representative, committee, or other person; and

**WHEREAS**, in the interest of efficiency, the City Council wishes to delegate its authority to determine which competitive procurement method provides the best value to the City under Section 2269.056 to the City Manager, or designee; and

**WHEREAS**, the City Council has determined that it is in the best interest of the residents of the City that such authority, as described in this ordinance, be given to the City Manager, or designee, to provide for efficient administration of City services.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:**

**Section 1. Findings of Fact.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

**Section 2. Execution of Contracts within Purchasing Authority.** The City Manager, or designee, is authorized to execute any contracts, agreements, amendments, and change orders of the City, without the need for City Council approval, if such documents are for purchases or expenditures within the purchasing authority provided to the City Manager under the City's Purchasing Policy.

**Section 3. Execution of Contracts after City Council Approval.** The City Manager, or designee, is authorized to execute any contracts, agreements, amendments, or change orders of the City that have been approved by the City Council.

**Section 4. Execution of Contracts by the Mayor.** The Mayor will continue to have authority to execute any contract of the City under the City Charter. Either the Mayor or the City Manager, or designee, may execute contracts in accordance with this ordinance and the City Charter.

**Section 5. Determination on Alternative Procurement Method.** The City Council hereby delegates its authority to determine that an alternative procurement method for a construction contract provides the best value to the City, under Texas Government Code Section 2269.056, to the City Manager, or designee. In determining that an alternative procurement method provides the best value to the City, the City Manager, or designee, will follow any rules or policies that the City Council may adopt from time-to-time related to the use of alternative competitive procurement methods.

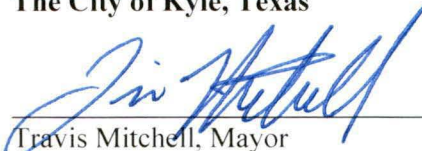
**Section 6. Repeal of Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 7. Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't. Code.

PASSED AND APPROVED on this the 7th day of March, 2024.

FINALLY PASSED AND APPROVED on this the 19th day of March, 2024.

**The City of Kyle, Texas**

  
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Travis Mitchell, Mayor

ATTEST:

  
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Jennifer Kirkland, City Secretary