

ORDINANCE NO. O-1515

AN ORDINANCE OF THE CITY OF FATE, TEXAS GRANTING THE AUTHORITY TO THE CITY MANAGER TO ENTER INTO AND SIGN CERTAIN CONTRACTS ON BEHALF OF THE CITY AND TO SIGN CERTAIN DOCUMENTS; TO AUTHORIZE THE CITY MANAGER TO APPROVE CERTAIN EVENTS AND ACTIVITIES BY THE VARIOUS DEPARTMENTS OF THE CITY; TO AUTHORIZE THE CITY MANAGER TO ISSUE CERTAIN TYPES OF REFUNDS; TO AUTHORIZE THE CITY MANAGER TO MAKE CERTAIN BUDGET TRANSFERS; TO AUTHORIZE THE CITY MANAGER TO ADMINISTRATIVELY HANDLE MATTERS; AND TO SET FORTH THE DELEGATION OF ADMINISTRATIVE AUTHORITY TO THE CITY MANAGER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section §2.02(5) of the City of Fate Charter allows the City Council (“Council”) to exercise and enforce by ordinance all powers granted to the City in a manner consistent with the Charter; and

WHEREAS, Texas Local Government Code §252.021 allows Council to delegate contracting authority and Section § 6.11 of the City of Fate Charter provides for the Council to give the City Manager general authority to contract for expenditure without further approval of the Council for all budgeted items not exceeding limits set by the Council and to reject any and all bids in such cases as the City Manager is authorized to contract for the City; and

WHEREAS, the City Manager and his or her designee should be authorized to sign most of the City’s official documents when necessary or required by law, as approved by the Council, in the interest of efficiency of administrative governmental operation in the City; and

WHEREAS, the City of Fate Charter §4.01 provides that the City Manager is responsible for administration of all the affairs of the City, with only those exceptions that are named in the Charter; and

WHEREAS, the Mayor shall continue to sign the City’s ordinances, the resolutions of the Council, and the documents which he or she is obligated by state law to sign; and

WHEREAS, The City enters into many contracts, agreements, and similar documents that are routine in nature or are for certain categories or types of items that have already been approved through the budgeting process, and the City Manager and his or her designee should be authorized to negotiate and enter into these contracts and documents, in accordance with the guidelines established herein, in the interest of efficiency of administrative governmental operations in the City; and

WHEREAS, it is appropriate for City Manager and his or her designee to authorize and grant permission to the various departments of the City to hold events, conduct certain activities, perform certain tasks and handle other items of an administrative nature in accordance with the guidelines established herein; and

WHEREAS, the City Manager has been granted authority by various ordinances to enter into contracts on behalf of the City and it would be beneficial and efficient for administrative purposes to consolidate the various delegations of authority granted to the City Manager;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FATE:

1. The Council grants authority to the City Manager to sign on behalf of the City of Fate all lawful acts of the Council, as approved, other than the ordinances and resolutions of the Council, as permitted by law. This authority includes the approval of all procurement documents that require Council action and executing all contracts and agreements approved by Council. Subject to compliance with any state law that requires approval by Council, the City Manager is authorized to initiate and approve any purchase approved in the annual budget.
2. The Council grants expenditure authority to the City Manager and designated staff in accordance with the Purchasing Policy. The authority granted to the City Manager includes expenditures for P-card transactions, purchase orders, contracts and similar documents in connection with the making and awarding of contracts for the acquisition of goods and services in an amount not to exceed \$50,000 and change orders not greater than either the lesser of \$50,000 or 25% of the original contract.
3. The authority granted to the City Manager herein with respect to signing or entering into any contracts shall also include the authority to terminate such contracts as permitted under the contract and to sign amendments to such contracts when the amount of the amendment when added to the original amount of the contract does not exceed \$50,000 or when the amount of the amendment does not exceed 25% of the original amount of the contract, whichever amount is less.
4. The Council hereby grants authority to the City Manager to negotiate and enter into contracts on behalf of the City and sign and bind the City for those contracts specified below, provided that the funding for the contract is contained in an approved budget. All such contracts shall be approved as to form by the City Attorney prior to execution, provided however, that if a standard agreement or form document is used by the City for any of these purposes, the City Attorney need only review and approve the standard agreement or form document as to form:
 - a. Agreements for the loan of City-owned personal property, including art, historical, cultural, and similar objects, provided that such agreement requires the recipient to bear all costs and carry insurance in an amount determined to be appropriate for the loan by the City Manager.
 - b. Agreements that allow City departments to obtain the loan of art, historical, cultural and similar objects for temporary display purposes.
 - c. Agreements for the rental of or which grant the use of City facilities for special events, when doing so is an appropriate use of the particular City

facility and done in accordance with any ordinances, guidelines or policies that may have been adopted or established by the Council. This authority shall not constitute or authorize the creation of a new public forum at any City facility.

- d. Documents required by a donor in relation to the making of a donation to the City.
- e. Agreements and similar or related documents in connection with revenue-generating contracts or contracts relating to the provision of goods and services by persons or organizations to the City at no cost to the City, such as partnership agreements, median landscaping agreements, and memoranda establishing cooperative working relationships with other public safety agencies, excluding agreements made pursuant to the Interlocal Cooperation Act.
- f. Agreements and other documents required by the vendor for the purchase of computer software and the maintenance of computer software and hardware to include licensing and maintenance agreements.
- g. Agreements and other required documents relating to the granting of permission for the display of objects, exhibits and exhibitions in the City facilities as deemed to be appropriate for such purposes by the City Manager. Provided, however, that such displays shall not interfere with the orderly function of government service in a City facility and provided further that this grant of authority shall not constitute or authorize the creation of a specific public forum at any City facility.
- h. Agreements or other required documents relating to the authority and powers granted to the City Manager as specified in Section 7 of this ordinance.

5. The City Manager is authorized to make budget transfers in connection with the award of any contract for work on any City project.
6. The Council hereby grants authority to the City Manager to sign and file liens arising from utility services provided by the city, nuisance remediation, and other liens in accordance with and permitted by law. This authority includes the power to release liens imposed by the City, in accordance with and as permitted by law, at such time as the City Manager determines that the liens have been satisfied.
7. The Council hereby grants authority to the City Manager to authorize the various departments of the City to conduct events and activities and to take action as specified below by administrative action without further Council action.
 - a. To authorize the service of beer and wine at special events and activities conducted at City facilities, in conformity with any policies established by the Council, and in connection with events deemed by the City Manager to be appropriately held at such facilities.
 - b. To authorize a City department to participate in a parade or other similar special event, not to exceed five events per department during each fiscal year.

- c. To authorize a City department to host or participate in an event, program or activity or to partner with an organization with respect to such event when the participation or partnership provides a direct benefit to the City or its officials or employees or serves other municipal purposes. Examples of such events include educational and training programs, charitable support and seminar presentations.
- d. To authorize limited uses of City facilities, equipment and staff time for events and activities that relate to a municipal purpose, the facilitation of governmental operations, install pride or patriotism, provide a benefit to the community or assist with the betterment of the community, or further the comfort and convenience of the City employees, such as a Christmas gift tag tree, blood drives, early voting, food drives, and uses by other governmental entities, in accordance with written policy and procedure to be established by the City Manager and approved by the City Attorney. Provided, however, that such uses shall not interfere with the orderly function of government service in a City facility and provided further that this grant of authority shall not constitute or authorize the creation of a specific public forum at any City facility.
- e. To authorize the distribution of items donated to the City such as food, refreshments and other items as designated by the donor to serve as prizes at events hosted by the City or in which the City participates.

8. The Council hereby gives the authority to the City Manager to sign and submit any certification of compliance with any laws, regulations, plans, procedures or similar policy documents, as requested or required by any agency organization, and to sign any similar documents and plans relating to City contracts or projects that need an official City approval or authorization, to include construction plan documents. A certification of compliance with the law shall first be signed as approved to form by the City Attorney.

9. The Council hereby gives the authority to the City Manager to authorize the issuance of a refund of an overpayment or erroneous payment made to the City, or for the refund of a permit in accordance with standards established by the Council or under another ordinance, unless state law requires the action of the Council to make a determination or finding with respect to the issuance of the refund.

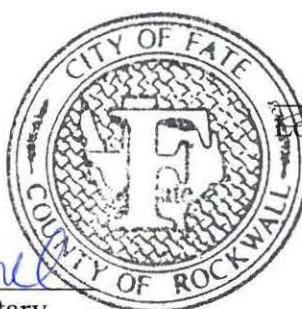
10. The City Secretary shall file and maintain the originals of all contracts entered into and signed pursuant to this ordinance in accordance with applicable records retention requirements.

11. The grant of authority made herein to the City Manager shall extend to the identical matters that come before the City as set forth herein as they relate to City boards, districts, and commissions and which are authorized or required by law or any Interlocal Cooperative Agreement to come before the City for approval.

12. This ordinance may not be construed to delegate authority to approve, without Council action, any contract, contract amendment, or other legal instrument that is required by state law to be approved by the Council.
13. This grant of authority to the City Manager and designated staff shall be in addition to any authority granted to the City Manager to take such actions through other ordinances of the City, shall supersede and be controlling over any conflicting provision or procedure contained in any resolution or other ordinance previously adopted by the Council that required a contract to be approved by the Council, except as may be set forth in the Purchasing Policy approved by the Council, as amended.
14. The City Manager may delegate the authority granted under this ordinance to the extent allowed by the Code of Ordinances, other City ordinances, the City Charter or state law. The City Manager may make rules and procedures, which are not in conflict with the Code of Ordinances, other City ordinances, the City Charter, or state law, concerning the form and substance of administrative action and the administration of contracting processes.
15. The City Attorney may delegate the responsibilities set forth under this ordinance to an assistant city attorney.
16. The City Manager shall have the power and authority to pay claims, not to exceed \$15,000.00, which the City Manager deems to be meritorious for damages to real or personal property suffered by any member of the public through no fault of his or her own, but which results from an act or omission by officers or employees of the City while engaged in the performance of a governmental function; provided, however, that no claim may be settled, compromised and paid if such claim would be barred by applicable statutes of limitations. No payment shall be made unless the claimant accepts the amount allowed as in full compromise and settlement of all amounts claimed or to be claimed against the City, its officers, or employees, arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the City in any defense that it may have in any suit or action. Nothing contained herein shall be construed as creating a cause of action nor the giving of any right to institute or maintain any suit or action which would not otherwise exist or be cognizable under the law as a legal claim; provided, however, this authority may never be used to pay any claim arising out of floods, war, insurrection, riot, civil disorder or acts of God.
17. Nothing in this ordinance is intended to diminish or reduce any duties or authority of the City Manager authorized in the City of Fate Charter.

18. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED by the Council of the City of Fate, Texas this the 2nd day of May, 2016.




Lorine Megyesi, Mayor

ATTEST:


Victoria Raduechel, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney