

ORDINANCE 1222

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTIONS 2.20.100 AND 2.20.180(a)(1)(i), ADDING SECTIONS 2.20.095 AND 2.20.255 TO CHAPTER 2.20 (CONTRACTS AND PURCHASING) OF THE TRACY MUNICIPAL CODE

WHEREAS, The proposed amendments to the Purchasing Ordinance would update the ordinance to grant authority to the Assistant City Manager and the City Attorney, authorize the City Engineer to approved plans for public improvement projects, and revise the publication requirements for calls for bids; and

WHEREAS, The Purchasing Ordinance was last updated in 2009 and revisions are necessary to improve the purchasing process to make it more efficient.

The City Council of the City of Tracy does ordain as follows:

SECTION 1: Section 2.20.100, Department head authority, of the Tracy Municipal Code is amended to read as follows:

“2.20.100, Department head authority.

Department heads, including the Assistant City Manager, are authorized to enter into and sign on behalf of the City, without the prior approval of the City Manager or City Council, a contract:

- (a) Which is for the purchase or lease of commodities, equipment, general services, and professional services;
- (b) Which contains a maximum compensation amount up to \$25,000.00 Dollars. As to a change order, the limit of authority is 25% of the original contract, not to exceed a cumulative amount of \$31,250.00 Dollars; and
- (c) Which is not required by any State law to be let to the lowest responsible bidder.

SECTION 2: A new section 2.20.095, City attorney authority, is added to the Tracy Municipal Code to read as follows:

“2.20.095 City Attorney authority.

- (a) The City Attorney is granted, for purposes related to legal services and the activities or functions of the office of the city attorney, the same authority as the City Manager as set forth in section 2.20.090(a)(1) and (2).
- (b) The City Attorney is granted the authority to execute for City-managed professional legal services in an amount up to One Hundred Thousand Dollars and no/100ths (\$100,000.00) Dollars if the following criteria are met:
 - (1) A cost recovery agreement exists
 - (2) An applicant for development has deposited the required amount under the contract with the City; and
 - (3) The funds are to be used for development related legal services.
- (c) The City Attorney is granted authority to approve, without city council approval, contracts

which appoint and retain outside legal counsel to prosecute lawsuits for the city or defend lawsuits against the city provided that monies have been appropriated and for which there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contracts.

- (d) In addition to the authority granted in section 2.20.095(a), the informal request for proposal procedure in section 2.20.130(a) may be dispensed with when the City Attorney in his or her best judgment makes a written finding that compliance with these procedures is not in the best interest of the City.”

SECTION 3: A new Section 2.20.255, City engineer approval, is added to the Tracy Municipal Code to read as follows:

“2.20.255 City engineer approval.

The city engineer is authorized to approve project design and plans before the city seeks bids on a project. (Reference: Gov’t. Code §§830, 835.)”

SECTION 4: Section 2.20.180(a)(1)(i) is amended to read as follows:

“(i) Published notice. The notice inviting bids shall be posted at least ten days before the date of the opening of the bids on the City’s website”.

SECTION 5: This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 6: This Ordinance shall either (1) be published once in the TriValley Times, a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk’s office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov’t. Code §36933.)

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The foregoing Ordinance 1222 was introduced at a regular meeting of the Tracy City Council on the 5th day of July, 2016, and finally adopted on the 19th day of July, 2016, by the following vote:

AYES: COUNCIL MEMBERS: MITRACOS, VARGAS, YOUNG, RICKMAN, MACIEL

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE

ABSTAIN: COUNCIL MEMBERS: NONE

Signed: Michael Maciel, Mayor
Attest: Nora Pimentel, City Clerk