



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

April 28, 2020

SUBJECT: Introduce and waive the first reading of Ordinance No. 473, to: (1) amend Section 3.04.010 of the Wheatland Municipal Code to conform the purchasing policy with applicable legal requirements, and (2) amend Section 2.16.030 of the Wheatland Municipal Code to ensure that the City Manager is authorized to enter into contracts of employment with City staff.

PREPARED BY: Jennifer Buckman, Esq., City Attorney

Recommendation

The City Attorney recommends that the City Council introduce and waive the first reading of Ordinance No.473, which will (1) amend Section 3.04.010 of the Wheatland Municipal Code to conform the purchasing policy with applicable legal requirements, and (2) amend Section 2.16.030 of the Wheatland Municipal Code to confirm that the City Manager is authorized to enter into contracts of employment with City staff.

Discussion

Previously, the City Council authorized the City Attorney to prepare an ordinance to restore contracting authority of the City Manager that was inadvertently deleted when the Municipal Code was updated in 2019 to adopt the new purchasing policy. Ordinance No. 473 restores the delegation of contracting authority to the City Manager, as authorized by Government Code section 40602. The ordinance delegates to the City Manager the authority to sign contracts of employment (which the City Manager is authorized to enter into pursuant to Section 2.16.030 of the Municipal Code). The ordinance also restores the delegation to the City Manager of the authority to sign contracts and warrants on the City Treasury for purchases made consistent with the adopted purchasing policy.

Fiscal Impact

There is no fiscal impact as no changes are proposed to the purchasing policy, and the City Manager is still required to manage expenditures according to the adopted purchasing policies and annual city budget.

Alternatives

The Council could choose not to amend the City Manager Ordinance and instead direct staff to amend the purchasing policies to achieve alignment. This would require deleting the City Manager's authority to enter into contracts that are consistent with the policy, and the Mayor would be required to sign all contracts, including contracts that are below the limits established in the purchasing policy.

Attachments

Ordinance No. 473.

ORDINANCE NO. 473

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
AMENDING TITLES 2 AND 3 OF THE WHEATLAND MUNICIPAL CODE,
RESTORING CITY MANAGER PURCHASING SIGNATURE AUTHORITY FOR
CONTRACTS UNDER \$25,000, AND FOR EMPLOYMENT AND SERVICE CONTRACTS**

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

SECTION 1. Purpose and Authority. The purpose of this ordinance is to restore provisions related to the city manager's signing authority for certain contracts, as well as to clarify the city manager's authority to sign employment or service contracts in order to fulfill duties under the Wheatland Municipal Code. This ordinance is adopted pursuant to Government Code section 40602 and other applicable law.

SECTION 2. General Findings. The City Council hereby finds and determines as follows:

- a. The provisions relating to the City's purchasing procedures are contained in the City of Wheatland Municipal Code, Chapter 3.04, "Purchasing System." This portion of the Code was amended in 2019 to delete the purchasing policy established in that Chapter and provide that future policies would be established by resolution (Ordinance No. 470).
- b. The City's current purchasing policy, as adopted by Resolution 22-19, applies to the purchase of goods and services, contracts for research and development, design, engineering, and construction-related matters, and the disposition of surplus property. The policy gives the city manager purchasing authorization for open-market purchases more than \$5,000 and up to \$25,000.
- c. Government Code section 40602 authorizes the City to delegate to the City Manager, by validly adopted ordinance, the power to sign all City contracts, checks, and written instruments containing the City seal.
- d. When amending the Municipal Code to update the City's purchasing policy in 2019, text delegating this purchasing authorization to the City Manager to sign contracts on behalf of the City was inadvertently deleted.
- e. The City desires to amend and revise the Code provisions to restore the delegation to the City Manager the authority to sign for certain contracts for purchases, as set forth in the adopted purchasing policy, as well as to clarify the City Manager's authority to enter into contracts of employment or services contracts with firms and individuals as necessary to fulfill the City Manager's appointing responsibilities under Section 2.16.030 of the Code.
- f. The adoption of this ordinance is exempt from review under the California Environmental Quality Act because the amendments to the Code proposed in this ordinance will not have any physical impact on the environment, and because the ordinance addresses purely financial and administrative matters.

SECTION 3. Wheatland Municipal Code Section 2.16.030 is amended to read as follows:

The city manager shall administer, implement and enforce the city personnel system and may delegate any of the powers and duties to a personnel or administrative services director or any other officer or employee of the city or may recommend that such powers and duties be performed under contract as provided in Section 2.16.030 of this chapter. The city manager shall:

- A. Act as the appointing authority for the city (except that the city council shall be the appointing authority of the city manager);

B. Have the authority to enter into and sign, pursuant to power delegated to the city manager under Government Code 40602, contracts of employment or services contracts with individuals or firms as necessary to exercise the city manager's authority under subparagraph A of this Section.

C. Administer, implement and enforce the provisions of this chapter and the personnel rules;

D. Prepare city personnel rules and revisions and amendments to such rules;

E. Prepare or cause to be prepared a position classification plan, including class specifications, and revisions of the plan, and administer and implement the plan;

F. Have the authority to discipline employees in accordance with this chapter and the personnel rules of the city; and

G. Provide for the publishing or posting of notices of tests for positions in the competitive service; the receiving of applications therefore; the conducting and grading of tests; the classification of a list of all persons eligible for appointment to the appropriate position in the competitive service; and performing any other duty that may be required to administer the personnel system.

SECTION 4. The title of Wheatland Municipal Code Section 3.04.020 is amended to read "Applicability; purchases less than twenty-five thousand dollars."

SECTION 5. Wheatland Municipal Code Section 3.04.010 is amended to read as follows:

A. This chapter shall apply to the purchases and procurement by City of certain supplies and equipment as provided for in the purchasing policy adopted by resolution pursuant to Section 3.04.020 of this Code.

B. Except as otherwise provided, the terms used in this chapter shall be the same as, and used and interpreted consistently with, those provided for in the purchasing policy adopted by City.

C. For certain purchases or acquisitions as specified in subparagraph A of this Section, emergency or otherwise, with an estimated value of less than twenty-five thousand dollars, the purchasing officer may make or authorize and direct the purchase as provided by City's purchasing policy adopted pursuant to Section 3.04.020 of this Code. The city manager, pursuant to authority delegated under Government Code 40602, may sign any contracts made or entered into or authorize the payment of warrants from the City treasury for purchases made in compliance with the purchasing policy.

SECTION 6. Effective Date. This ordinance shall take effect 30 days after its final passage.

SECTION 7. Posting. Within 15 days from the date of passage of this ordinance, the City Clerk shall post a copy of it in at least three public places in the City.

INTRODUCED by the City Council on the 28th day of April 2020.

PASSED AND ADOPTED by the City Council of the City of Wheatland on the ____ day of ____ 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

PRESENT:

Rick West, Mayor

Attest:

Lisa J. Thomason, City Clerk

I hereby certify that the foregoing is a true and correct copy of City of Wheatland Ordinance No. 473, which ordinance was duly introduced, adopted and posted pursuant to law.