

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTION 2.566 OF THE SAN MARCOS CITY CODE TO AUTHORIZE THE CITY MANAGER TO DELEGATE AUTHORITY FOR THE APPROVAL OR EXECUTION OF CERTAIN CONTRACTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, welfare and safety.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 2.566 of the San Marcos City Code is hereby amended as set forth below. Added text is indicated by underlining.

Sec. 2.566. Authority of city manager—Contracts for expenditures; limitation.

(a) The city manager, or the city manager's designee, is authorized to contract on behalf of the city for the purchase of goods and services without further city council approval for all budgeted items not exceeding \$50,000.00. City manager Bert Lumbreras and his designee(s) are hereby authorized to approve change orders to city contracts involving increases or decreases of \$50,000.00 or less.

(b) The city manager is authorized to promulgate purchasing policies and procedures for all purchases made by the city. Through such purchasing policies, the city manager may delegate his general contracting authority for purchases previously approved by the city council. The city manager may amend these policies from time to time. All these policies shall conform to applicable requirements of the Charter, city ordinances and state laws and are subject to review and approval by the city attorney.

(c) The city manager or designee is authorized to determine the purchase method for goods and services that provides the best value to the city in accordance with state law.

(d) The city manager is authorized to approve change orders in amounts not to exceed \$100,000.00 each without the approval of the city council when the city manager deems it necessary to amend contracts previously approved by the city

council in order to address a public calamity, to preserve or protect the public health or safety of the city's residents, or because of unforeseen damage to public machinery, equipment or other property. The city manager shall submit a quarterly report to the city council of all change orders in excess of \$25,000.00 each that were administratively approved pursuant to the authority granted in this subsection. The general authority granted by this subsection may be suspended or revoked by adoption of a resolution applicable to a particular individual who holds the position or performs the duties of city manager.

SECTION 2. In codifying the changes authorized by this ordinance, editor's notes may be inserted and paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance shall become effective upon its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on October 1, 2018.

PASSED, APPROVED AND ADOPTED on second reading on October 16, 2018.

John Thomaides
Mayor

Attest:

Approved:

Jamie Lee Case
City Clerk

Michael J. Cosentino
City Attorney