

**ORDINANCE NO. 2020 -**

**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 APPROVE CERTAIN CONTRACTS ON BEHALF OF THE CITY FOR THE PURCHASE OF GOODS AND SERVICES NECESSARY FOR THE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE IN RELATION TO COVID-19 IN AMOUNTS UP TO \$500,000.00 WITHOUT FURTHER CITY COUNCIL APPROVAL; INCLUDING PROCEDURAL PROVISIONS; PROVIDING FOR THE ADOPTION OF THIS ORDINANCE ON ONLY ONE READING AS AN EMERGENCY MEASURE; AND DECLARING AN EFFECTIVE DATE.**

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

**SECTION 1.** Section 2.566(a) of the San Marcos City Code is amended as set forth below. Underlining indicates added text, and strikethroughs indicate deleted text.

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

(a) Except as, otherwise, provided in this subsection, ~~The~~ 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.

(1) For the duration of the declaration of the local state of disaster related to COVID-19 promulgated by Mayor Jane Hughson on March 15, 2020, and extended for an indefinite period by resolution of the city council adopted on March 17, 2020, the city manager is authorized to contract on behalf of the city for the purchase of goods and services necessary for the preservation of the public health, safety and welfare in relation to COVID-19 for all budgeted items not exceeding \$500,000.00 without further city council approval, provided such purchases are exempt from the competitive bidding or proposal requirements of Chapter 252 of the Local Government Code or other applicable laws. The city manager shall notify the city council of any and all expenditures made under this subsection within three days of initiating the purchase.

(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.** 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 3.** All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** The importance of this ordinance creates an emergency and an imperative public necessity, and the provisions of the Charter requiring that ordinances be presented at two separate meetings are waived, and this ordinance will take effect upon adoption with only one reading.

**PASSED, APPROVED AND ADOPTED** as an emergency measure on only one reading on April 7, 2020.

Jane Hughson  
Mayor

Attest:

Approved:

Tammy K. Cook  
Interim City Clerk

Michael J. Cosentino  
City Attorney