Reviewed Date:	Approved:	Meeting Date:	Agenda Item:
	Bryan Whitemyer, City Manager	April 11 , 2011	**4**

Executive Summary

Presented To:	Honorable Mayor and City Council Members
Presented By:	Dan Schroeder, City Attorney
Subject:	Ordinance designating the City Manager as the officer to execute written contracts
Enclosure:	Draft Ordinance
Budget Action:	None
Desired Action:	Amend the City of Hughson Municipal Code, Title 2 Administration and Personnel designating the City Manager and Mayor as the officers authorized to execute written contracts approved by the City Council

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Background: The City of Hughson has established a city manager form of government. Hughson Municipal Code Chapter 2.08 defines the powers and duties of the city manager. While the city manager is the administrative head of the government of the city, the city manager, or any other officer, is not currently designated to execute contracts on behalf of the city outside the City Managers spending authority.

From time to time the City Council is asked to approve a variety of contracts during City Council meetings. Unless the motion made to approve a contract includes a designation of who is authorized to execute the contract on behalf of the City, the Mayor is the only person with authority to sign the contract. This can create an added time burden on the Mayor since approved contracts may not be ready for signature until after the Council meeting where they are approved, as well as creating delays in the logistics of getting the contract to the Mayor for signing.

Pursuant to Government Code Section 40602, the city council may provide by ordinance that an officer other than the Mayor can sign written contracts made or entered into by the city.

Recommendation: Staff recommends that the City Council of the City of Hughson introduce and waive the First Reading of Ordinance 2011-__ of the City of Hughson Amending that Hughson Municipal Code, Title 2 Administration and Personnel by adding Section 2.08.250 designating the City Manager and Mayor as the officers authorized to execute written contracts approved by the City Council and direct the City Clerk to publish as a Display As and notice for Public

Hearing on April 25, 2011 at or after 7:00 p.m. to consider 2nd Reading and Adoption. Staff further recommends that the City Council make a motion waiving the initial reading of the ordinance in accordance with Government Code Section 36934.

CITY OF HUGHSON
CITY COUNCIL

ORDINANCE NO. 2011-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUGHSON DESIGNATING THE CITY MANAGER AS THE OFFICER AUTHORIZED TO SIGN WRITTEN CONTRACTS

WHEREAS, Section 40602 of the California Government Code provides that the city council may provide by ordinance that certain designated instruments may be signed by an officer of the city other than the mayor; and

WHEREAS, the City Council of the City of Hughson wishes to designate the City Manager as the officer authorized to execute contracts with prior City Council approval; and

NOW THEREFORE, the City Council of the City of Hughson does ordain as follows:

Section 1. Section 2.08.250, of Chapter 2.08 of Title 2 of the Municipal Code is hereby added to read as follows:

"**2.08.250 Authority to sign contracts approved by the City Council.**

The following officers are authorized to execute contracts approved by the city council unless otherwise directed by the city council: mayor, city manager"

Section 2. This ordinance shall become effective thirty (30) days after its final passage.

Section 3. Within fifteen (15) days after its final passage, the City Clerk shall cause a this ordinance to be published, and the ordinance to be posted in full, in accordance with Section 36933 of the Government Code.

The foregoing ordinance 2011-004 was introduced before the City Council of the City of Hughson, County of Stanislaus and the title thereof read at the regular meeting thereof on, April 11, 2011 and by a unanimous vote of the council members present, further reading was waived and adopted by the following roll call vote: ()

AYES in favor of: Council Members
NOES:
ABSTAIN:

ABSENT:

APPROVED: ATTESTED:

_____ _____
Ramon Bawanan, Mayor Michele Winterbottom, MMC City Clerk

I hereby certify that the foregoing Ordinance 2011-004 was introduced before the City Council of the City of Hughson at a regular meeting thereof the 11th day of April 2011 and passed and adopted by the City Council of the City of Hughson this 25th day of April 2011 by the following roll call vote: ( )

Roll Call: Council Members
Noes:
Abstain:
Absent:

ATTESTED:

_____
Michele Winterbottom, MMC, City Clerk

A certified copy of the full text of the adopted ordinance has been posted at the office of the City Clerk and is available for public inspection.

Dated: April 7, 2011

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Michele Winterbottom, MMC, City Clerk