

ATTACHMENT D

CITY MUNICIPAL CODE
2.28.060

2.28.060 - City manager authority.

- (a) The responsibility and authority for the solicitation of purchases and procurement of general services, consultant/professional services, supplies and equipment, and public works projects is hereby vested in the city manager who shall be the purchasing officer for the city.
- (b) The city manager is authorized to make purchases, award and enter into contracts on behalf of the city in conformance with the provisions set forth in this chapter, this code or the charter.
- (c) The city manager may delegate in writing to those persons specified in subsection 2.28.050(3) the authority to purchase or contract for specified supplies, services and equipment and construction of public works projects, provided such delegations, purchases and contracts are made in conformity with all the provisions of this chapter.
- (d) Subject to the procedures and any specific exceptions set forth in this chapter, the city manager is authorized to enter into and sign for on behalf of the city, without the prior approval of the city council, contracts for the purchase/procurement of general services, and/or supplies and equipment (or a combination of both):
 - (1) Which do not exceed an initial compensation figure of one hundred twenty-five thousand dollars in any single transaction per fiscal year. As to a change order to such contracts, the limit of authority shall not exceed an amount that increases the original contract price above one hundred twenty-five thousand dollars. Cumulative additional change orders in excess of the foregoing limit must be approved by the city council; and
 - (2) For which moneys have been appropriated and for which there is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract.
- (e) In addition to the authority in subsections (a) through (d) of this section, the city manager is authorized to enter and execute, for and on behalf of the city, the following contracts:
 - (1) Contracts with public agencies or public utility companies regarding construction or use of public improvements or utility facilities, which require no payment of money by the city or which provide for payment of money to the city in an amount not in excess of one hundred twenty-five thousand dollars under each contract;
 - (2) Contracts for community social or recreational services, or for the use of city property or facilities, in accordance with established administrative guidelines, which require no payment of money by the city or which provide for payment of money to the city in an amount not in excess of one hundred twenty-five thousand dollars under each contract;
 - (3) Contracts for consultant/professional services in an amount up to one hundred twenty-five thousand dollars in any single transaction per fiscal year. Alterations, deviations, additions or deletions from the original scope of work for a consultant/professional services contract, which are determined by the city to be necessary during the progress of work, shall be

documented by a supplemental agreement. The city manager is authorized to enter into and execute, for and on behalf of the city, supplemental agreements for consultant/professional services contracts as follows:

- (A) For contracts originally entered into and executed by the city manager under the authority currently or previously provided for in this section, supplemental agreements that do not increase the total contract price to an amount in excess of one hundred twenty-five thousand dollars.
- (B) For contracts originally entered into and executed by the city council, the city manager may enter into and execute supplemental agreements in an amount up to one hundred twenty-five thousand dollars.
- (4) Contracts and change orders for construction of public works projects, within the parameters set forth in article IV of this chapter.
- (5) Leases for telecommunication facilities ("cell tower leases") located on city-owned property, and/or renewals/extensions of currently-existing cell tower leases, provided that:
 - (A) They are of a routine nature;
 - (B) They do not, or did not, in the event of an extension/renewal, require any third party (Credit Entity) consents;
 - (C) They are on the city's standard cell tower lease form (as such may be modified from time-to-time following review by the city's risk manager and the city attorney);
 - (D) They do not exceed a term of thirty years (including any renewal periods);
 - (E) They result in annual rents of one hundred twenty-five thousand, or less; and
 - (f) They are reviewed and approved as to form by the city attorney and the city's risk manager prior to execution.
- (6) Non-disturbance and amendment, assignment and assumption agreements relating to the Cell Tower Lease in Liberty Park originally dated September 22, 2010, provided that prior to execution any such agreements have (i) been reviewed by and approved as to form by the city attorney; (ii) been approved by the city's risk manager; and (iii) received consent (if required) from the Credit Entity.
- (7) Other conveyances and instruments requiring the city seal, provided that such conveyances or instruments do not concern property (real or personal) valued in excess of one hundred twenty-five thousand dollars; or other lease agreements that provide for payment of money by the city or to the city in amounts not to exceed one hundred twenty-five thousand dollars per single transaction per fiscal year. Equipment leases shall also comply with the provisions of section 2.28.130;
- (8) Contracts for Energy Purchases by VMUS as specified in article VIII of this chapter;

- (9) Notices of completion for projects valued at one hundred twenty-five thousand dollars or less.
- (10) Grant applications, grant agreements, or grant acceptances that may result in revenue of one hundred twenty-five thousand dollars or less per fiscal year.
- (f) In an emergency the city manager may authorize the expenditure of any unencumbered funds to respond to the emergency, notwithstanding the fact that such moneys may not have been appropriated for such purpose, but only to the extent that such moneys have not been appropriated or are otherwise available. Such action shall be ratified by city council as soon as practicable, and with respect to any emergency involving a public works project such action shall be ratified by the city council as set forth in section 2.28.240.
- (g) The VWD General Manager (or such persons as he/she may designate, provided such designation is made in writing) is authorized to make purchases and execute contracts or agreements for the assignment of water rights in lieu of replacement or make-up assessments in the Mojave Basin Area on behalf of the VWD, provided that:
 - (1) At no time will the total price paid for the assignment of water rights in lieu of replacement or make-up assessments exceed the amount authorized for such purchases in the annual budget approved by the VWD Board;
 - (2) The term of any transaction or agreement entered into shall not exceed one year;
 - (3) No purchase of assignment of water rights in lieu of replacement or makeup assessments shall exceed that required to fully meet such obligations;
 - (4) At no time will any purchase of assignment of water rights in lieu of replacement or make-up assessments be made at a per acre foot rate greater than that published by the Watermaster for purchases of replacement water at the time such purchase is made; and
 - (5) Such procurement of the assignment of water rights in lieu of replacement or makeup assessments shall be made in full compliance with the Rules and Regulations of the Mojave Basin Watermaster.

(Ord. No. 2381, § 2, 9-18-18; Ord. No. 2429, § 3, 5-17-22)