

## ORDINANCE NO. 10-2016

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING SECTION 3.42.090.A.1 (CITY MANAGER AUTHORITY) AND SECTION 3.42.100.B (DEPARTMENT HEAD AUTHORITY) OF ELK GROVE MUNICIPAL CODE CHAPTER 3.42 (CONTRACTS AND PURCHASING)

**WHEREAS**, the City Council wishes to amend Section 3.42.090.A.1 (City Manager Authority) of Elk Grove Municipal Code Chapter 3.42 (Contracts and Purchasing) so that contracts, including amendments and change orders, containing a total compensation amount of up to \$55,000 are within the City Manager's authority; and

**WHEREAS**, the City Council wishes to amend Section 3.42.100.B (Department Head Authority) of Elk Grove Municipal Code Chapter 3.42 (Contracts and Purchasing) so that contracts, including amendments and change orders, containing a total compensation amount of up to \$31,250 are within the Departments Head's authority.

**NOW, THEREFORE**, the City Council of the City of Elk Grove does hereby ordain as follows:

#### Section 1: Purpose

The purpose of this Ordinance is to amend Section 3.42.090.A.1 (City Manager Authority) and Section 3.42.100.B (Department Head Authority) of Elk Grove Municipal Code Chapter 3.42 (Contracts and Purchasing).

#### Section 2: Amendment to Elk Grove Municipal Code Section 3.42.090.A.1

Section 3.42.090.A.1 of Elk Grove Municipal Code Chapter 3.42 is hereby amended to read as follows:

#### **3.42.090 City Manager Authority.**

A. Except as otherwise provided for herein, the City Manager is authorized to enter into and sign on behalf of the City, without the prior approval of the City Council, a contract:

1. Which contains an initial compensation amount of up to Fifty Thousand and no/100<sup>ths</sup> (\$50,000.00) Dollars or less. The City Manager may execute any change orders or contract amendments to an initial contract up to a cumulative total of Fifty-Five Thousand and no/100<sup>ths</sup> (\$55,000.00) Dollars; and

Section 3: Amendment to Elk Grove Municipal Code section 3.42.100.B

Section 3.42.100.B of Elk Grove Municipal Code Chapter 3.42 is hereby amended to read as follows:

**3.42.100 Department Head Authority.**

B. Which contains an initial compensation amount up to Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars or less. Department Heads may execute any change orders or contract amendments to an initial contract up to a cumulative total of Thirty-One Thousand Two Hundred Fifty and no/100ths (\$31,250.00) Dollars; and

Section 4: No Mandatory Duty of Care.

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.


Section 6: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.


Section 7: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the Ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the office of the City Clerk, pursuant to GC 36933(c)(1).

**ORDINANCE:** 10-2016  
**INTRODUCED:** April 27, 2016  
**ADOPTED:** May 11, 2016  
**EFFECTIVE:** June 10, 2016

  
\_\_\_\_\_  
GARY DAVIS, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
\_\_\_\_\_  
JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JONATHAN P. HOBBS,  
CITY ATTORNEY

Date signed: May 26, 2016

**CERTIFICATION  
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2016**

STATE OF CALIFORNIA        )  
COUNTY OF SACRAMENTO    )       ss  
CITY OF ELK GROVE         )

*I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on April 27, 2016 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 11, 2016 by the following vote:*


**AYES :**                   **COUNCILMEMBERS:**    *Davis, Ly, Detrick, Hume, Suen*

**NOES:**                   **COUNCILMEMBERS:**    *None*

**ABSTAIN:**               **COUNCILMEMBERS:**    *None*

**ABSENT:**               **COUNCILMEMBERS:**    *None*

*A summary of the ordinance was published pursuant to GC 36933(c) (1).*

  
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**Jason Lindgren, City Clerk  
City of Elk Grove, California**