



# Agenda Item

## City Council

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**Item #:** 3.10.

**11/28/2023**

**File #:** 23-0774

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**TO:** Honorable Mayor and Members of the City Council

**THRU:** Tom Kisela, City Manager

**FROM:** Mike Vigliotta, City Attorney

### 1. SUBJECT

Adoption of Resolution 11502 delegating certain authority to the City Manager related to the approval and administration of contracts, agreements, instruments and conveyances.

### 2. SUMMARY

The proposed Resolution would change the delegation authority from the City Council to the City Manager related to the approval and administration of contracts, agreements, instruments and conveyances.

### 3. RECOMMENDED ACTION

Adopt Resolution No. 11502. A Resolution of the City Council of the City of Orange adopted pursuant to Section 3.08.095 of the Orange Municipal Code ("OMC") and delegating certain authority to the City Manager related to the approval and administration of contracts, agreements, instruments and conveyances not otherwise covered by Chapter 3.08 or the OMC.

### 4. FISCAL IMPACT

None.

### 5. STRATEGIC PLAN GOALS

Goal 4: Providing Outstanding Public Service

- a) Obtain, implement, and evaluate public input into our services and programs.

### 6. DISCUSSION AND BACKGROUND

Chapter 3.08 of the Orange Municipal Code ("OMC") governs the approval of certain contracts, including those for the purchase of materials, supplies and equipment, public works and professional services. Section 3.08.095 provides the City Council with the authority to address the approval and administration of any other contracts, agreements instruments or conveyances not addressed by ordinance, by resolution.

At this time, approval for all other contracts, agreements, instruments or conveyances not otherwise delineated in the Code are presented to the City Council for their approval. In many instances, the contracts or agreements at issue have no financial impact upon the City and/or are of a routine nature. Staff believes these contracts or agreements, while important for City operations, do not necessarily merit the time and resources expended in putting the matters before the City Council.

Delegating contract authority by resolution, as contemplated by Section 3.08.095, would support the efficient administration of City affairs.

In summary, this Resolution requests that the City Manager, with the concurrence of the City Attorney, be delegated the following contracting authority:

- To execute contracts to retain legal and other professional services in connection with representing the City's interest in legal matters, litigation and suits in which the City is a party or may be a party or in which it is directly or indirectly interested, if requested by the City Attorney.
- To execute funding agreements or Memoranda Of Understanding ("MOUs) with local, state and federal entities or agencies when required in connection with projects for which funds have been budgeted by the City Council or for the City's receipt of grant funding.
- To execute contracts with other public entities related to public projects, or contracts with private entities related to services provided in connection with applications, including, but not limited to, environmental assessments and other studies related to the processing of the application, where the City is reimbursed and there is no additional cost to the City, or contracts where a private entity has requested and agreed to pay for studies or analysis at their sole cost and expense, whether or not in connection with an application.
- To terminate all contracts, agreements, instruments and conveyances, which includes, without limitation, leases of city-owned property, licenses and permits issued by staff, and temporary construction easements, in accordance with termination clauses (if applicable).

The contracting authority currently contained in Chapter 3.08 of OMC is unchanged. All contracts or agreements will also continue to require City Attorney approval as to form. The City Manager will have the discretion to take any contract or agreement to the City Council for their approval or ratification, in their sole and absolute discretion.

## **7. ATTACHMENTS**

- Resolution No. 11502