

REPORT TO THE CITY COUNCIL



DATE: December 6, 2016

TITLE: Ordinance and Accompanying Resolution Authorizing the City Manager to Negotiate, Award and Execute Certain Agreements, As So Set by Resolution by the City Council; A Resolution Authorizing the City Manager to Execute Certain Agreements

Prepared by: Charles L. Maynard, City Manager

Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Introduce and read by title only, “An Ordinance of the City Council of the City of Desert Hot Springs adding Section 3.44.170 (Facility Use Agreements and Non-Exclusive License Agreements – Negotiation, Award and Signature Authority) to Chapter 3.44 (Purchasing) of Title 3 (Revenue and Financing) of the Desert Hot Springs Municipal Code, authorizing an Officer other than the Mayor to negotiate, award and execute certain agreements, as so set by resolution of the City Council; waive the reading of the Ordinance in its entirety and City Clerk ready by title only; and
- 2) Adopt resolution authorizing the City Manager to negotiate, award and execute Facility Use Agreements and other Non-Exclusive Licenses for city-owned, operated or controlled facilities to become effective upon effective date of the Ordinance.

BACKGROUND

Government Code Section 40602 provides that the mayor shall sign all warrants drawn on the city treasurer, all written contracts and conveyances made or entered into by the city, and all instruments requiring the city seal, but that the legislative body may provide by ordinance that the instruments described above may be signed by an officer other than the mayor.

Currently, the City of Desert Hot Springs (“City”) does not have a policy which delegates to an officer other than the Mayor the authority to approve and execute Facility Use Agreements and/or non-exclusive license agreements (collectively “Agreements”) pertaining to City-owned, operated, or controlled facilities or properties.

DISCUSSION

Ordinance:

Adoption of the Ordinance would allow the City Council to prescribe by resolution, an officer other than the Mayor the specific authority to negotiate, execute and approve the Agreements, which would otherwise require City Council approval.

Resolution:

Adoption of the Resolution would authorize the City Manager to negotiate, award, and execute facility use agreements and/or non-exclusive licenses for City-owned, operated or controlled property or facilities. In accordance with California law, the Resolution will become effective upon the effective date of the Ordinance (30-days after its adoption).

FISCAL IMPACT

There is no fiscal impact as a result of this action.

EXHIBITS

- 1) Ordinance City Manager Contract Award and Execution
- 2) Resolution City Manager Contract Award and Execution