

**ORDINANCE NO. \_\_\_\_\_**

**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 BY THE CITY COUNCIL**

**WHEREAS**, 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; and

**WHEREAS**, in accordance with Government Code Section 40602, the City Council desires to provide that an officer other than the Mayor may execute Facility Use Agreements and/or non-exclusive license agreements pertaining to City-owned, operated, or controlled facilities or properties, subject to prescriptions as may be set forth by City Council resolution; and

**WHEREAS**, the City further desires to provide that an officer other than the Mayor shall have the authority to negotiate and award Facility Use Agreements and/or non-exclusive license agreements pertaining to City-owned, operated, or controlled facilities or properties, subject to prescriptions as may be set forth by City Council resolution.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.     Recitals.**

The Recitals set forth above are true and correct and are hereby incorporated herein by this reference.

**Section 2.     Amendment to Chapter 3.44 “PURCHASING” of Title 3 “REVENUE AND FINANCING” of the Desert Hot Springs Municipal Code.**

Chapter 3.44 (“Purchasing”) is hereby amended to add Section 3.44.170 (“Facility Use Agreements and/or Non-exclusive License Agreements – Negotiation, award and signature authority”) to the Desert Hot Springs Municipal Code, to read as follows:

3.44.170 Facility Use Agreements and/or Non-Exclusive License Agreements – Negotiation, award and signature authority.

The City Council may, by resolution, provide an officer other than the Mayor the specific authority to negotiate, award, and execute Facility Use Agreements and/or Non-Exclusive License Agreements for certain City-owned, operated, or controlled facilities or properties. City Council may set forth restrictions, limitations, or further prescriptions by City Council Resolution, with this ordinance being considered as enabling and directive in this regard.

**Section 3. Severability.**

The City Council declares that if any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 4. CEQA Exemption.**

This Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the Guidelines for California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3), because this projects does not have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Section 5. Repeal of Conflicting Provisions.**

All the provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Certification.**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

**Section 7. Effective Date.**

This Ordinance shall take effect thirty (30) days after its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Desert Hot Springs at a regular meeting held on the 6th day of December, 2016 by the following vote:

**AYES:** 5 – Betts; McKee; Parks; Zavala; and Mayor Matas.

**NOES:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**ATTEST:**

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Jerryl Soriano, City Clerk

**APPROVED:**

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Scott Matas, Mayor

**APPROVED AS TO FORM:**

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Jennifer A. Mizrahi, City Attorney