

ORDINANCE NO. - \_\_\_\_\_

**AN ORDINANCE AMENDING CITY COUNCIL/ADMINISTRATIVE POLICY NO. 10-13, SIGNATURE AUTHORITY, RELATED TO NON-DEVELOPMENT RELATED SERVICES UNDER A DEPOSIT AGREEMENT, CITY ATTORNEY AND DIRECTOR SIGNATURE AUTHORITY SECTIONS AND MINOR REVISIONS FOR CONSISTENCY**

**WHEREAS**, on July 27, 1993, City Council approved Resolution No. 93-96 authorizing the City Manager to perform function of the City Council relating to claims against the City; and

**WHEREAS**, on October 14, 2003, City Council approved Resolution No. 2997 authorizing the City Manager or City Engineer to accept on the City's behalf all interests in real property; and

**WHEREAS**, on February 8, 2005, City Council approved Resolution No. 2005-28 authorizing the City Manager to sign tenant contracts and amendments for the Brentwood Education and Technology Center; and

**WHEREAS**, on March 28, 2006, City Council approved Resolution No. 2006-61 delegating authority to the City Manager to make determinations of industrial disability pursuant to Government Code 21173; and

**WHEREAS**, on June 13, 2006, City Council approved Resolution No. 2006-134 authorizing the City Manager to execute License Agreements as necessary for Landscape Maintenance of City right of way by private non-residential property owners upon acceptance of public improvements; and

**WHEREAS**, on August 8, 2006, City Council approved Resolution No. 2006-187 authorizing the City Manager or designee to direct the City Clerk to file notices of completion for projects up to \$50,000 and not awarded by City Council, per the City's Purchasing Policy; and

**WHEREAS**, on November 14, 2006, City Council approved Resolution No. 2006-78 adopting City Council/Administrative Policy No. 10-13, Signature Authority and Repealing Resolutions 93-96, 2997, 2005-28, 2006-61, 2006-134, 2006-187; and

**WHEREAS**, on April 14, 2009, City Council approved Resolution 2009-74 amending Section 2.2.4, Settlements and Claims, of City Council/Administrative Policy No. 10-13, Signature Authority, related to the settlement of claims and litigation filed by the City; and

**WHEREAS**, on July 28, 2009, the City Council introduced and waived the first reading of an Ordinance amending City Council/Administrative Policy No. 10-13, Signature Authority, related to signature authority for credit applications, Department of Motor Vehicle paperwork, and grant applications; and

**WHEREAS**, on August 11, 2009, City Council approved and adopted Ordinance 875 Amending City Council/Administrative Policy No. 10-13, Signature Authority, related to signature authority for credit applications, Department of Motor Vehicle paperwork, and grant applications; and

**WHEREAS**, on January 25, 2011, City Council introduced and waived the first reading of an Ordinance amending City Council/Administrative Policy No. 10-13, Signature Authority, related to placing and removing liens, placing assessments, uncollectible receivables, bank accounts, banking documents, standard litigation procedural documents and agreements approved by City Council, and utility agreements; and

**WHEREAS**, on February 8, 2011, City Council waived the second reading and adopted Ordinance 887 amending City Council/Administrative Policy No. 10-13, Signature Authority, related to placing and removing liens, placing assessments, uncollectible receivables, bank accounts, banking documents, standard litigation procedural documents and agreements approved by City Council, and utility agreements, which became effective on March 8, 2011; and

**WHEREAS**, on September 11, 2012, City Council waived the second reading and adopted Ordinance 906 amending City Council/Administrative Policy No. 10-13, Signature Authority to include authority levels to sign certain letters of support or opposition; and

**WHEREAS**, on June 10, 2014, City Council waived the second reading and adopted Ordinance 928 amending sections of City Council/Administrative Policy No. 10-13, Signature Authority related to property exchanges, pre-litigation documents, permits to enter and use property and software related agreements; and

**WHEREAS**, on December 11, 2018, City Council City Council waived the second reading and adopted Ordinance 1006 amending sections of City Council/ Administrative Policy No. 10-13, Signature Authority related to development services under a deposit agreement; real property, utilities, letters of support or opposition and regulatory reporting; updating the grants and emergency sections and restructuring the policy for easier readability; and

**WHEREAS**, Section 3.1.3, updated to add a new section granting authority for the City Manager to sign Assumption and/or Assignment agreements between the City and a third party for the terms and conditions of an existing agreement where no changes are being made that would require Council approval; and

**WHEREAS**, Section 3.1.5, updated to move Deposit and Indemnification Agreements; Development-Related to its own section; and

**WHEREAS**, Section 3.1.5.1, added to include clarifications on Development-related deposit and indemnification agreements that requires reimbursement to City of expenses incurred during the processing of a development project; and

**WHEREAS**, Section 3.1.6, updated to add Deposit and Indemnification Agreements; Non-Development Related into the Policy thereby renumbering 3.1.4 to 3.1.6 and each subsequent paragraph under Section 3 being renumbered sequentially; and

**WHEREAS**, Section 3.1.6.1, added to include clarifications on Non Development-related deposit and indemnification agreements between the City and a third party, which require the reimbursement to City of expenses incurred for work undertaken by the City, or by City consultants and contractors; and

**WHEREAS**, Section 3.1.6.2, added to include Consultant and Contractor Agreements; A

contract for consultants and contractors in an amount up to \$250,000, if specific criteria is met; and

**WHEREAS**, Section 3.2.2, updated to increase thresholds for Settlement of Claims from \$25,000 to \$50,000; and

**WHEREAS**, Section 4.1, clarifying changes to the City Attorney Signature Authority pertaining to pre-packaged, "Out of the Box" software; and

**WHEREAS**, Section 5, updated to more closely match the intended Department Director Authority which matches the City manager Authority with corresponding spending thresholds; and

**WHEREAS**, the Policy was updated with minor revisions for consistency; and

**WHEREAS**, Government Code section 40602 authorizes the City to adopt an ordinance regarding signature authority.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Brentwood does hereby amend City Council/Administrative Policy No. 10-13, Signature Authority, in the manner detailed in the attached Exhibit "A".

**INTRODUCED** by the City Council of the City of Brentwood at a regular meeting on the 11th day of January 2022 by the following vote: