

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE VII, "ADMINISTRATIVE DEPARTMENTS", BY AMENDING SECTION 2-102 "CITY MANAGER" BY AMENDING SUBSECTIONS (d), (f), (h) AND ADDING A NEW SUBSECTION (k); PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Collin County, Texas, be and the same is hereby amended by amending Chapter 2, "Administration," by amending Article VII, "Administrative Departments" by amending Section 2-102, "City Manager", to read as follows:

**"ARTICLE VII. ADMINISTRATIVE DEPARTMENTS
DIVISION 1. GENERALLY**

Sec. 2-101. - Establishing and changing divisions within departments; assignment of work.

- (a) There shall be established the following departments reporting to the city manager, in order to carry out the service and administrative functions of the city: police, fire, parks and recreation, library, public works, finance, city manager, personnel, planning and community development.
- (b) The city manager is delegated authority to establish, consolidate, divide, or abolish divisions within these departments that he or she determines are necessary to accomplish the Council's Ends Policies and to assign the work of these departments and divisions.

Sec. 2-102. - City manager.

- (a) The city manager or designee shall have those powers and duties provided in the City Charter and as otherwise provided by the city council or by ordinance.
- (b) The purpose of this section is to delegate authority to the city manager or designee to make purchases, execute contracts and approve change orders and contracts for expenditures without further approval of the city council for all budgeted items not exceeding limits set by the city council.
- (c) Whenever this Code, another city ordinance or a city council resolution delegates a duty, power, or function to a specific employee who is responsible to the city manager, that duty, power or function may at the discretion of the city manager, as a chief administrative and executive officer of the city, also be performed or exercised by a city employee designated by the city manager to perform or exercise that duty, power or function.
- (d) A contract for personal or professional services, if provided in the budget, or in the capital improvement program provided there are funds available from general obligation or revenue bonds, certificates of obligation, type A and/or type B sales tax, state or federal grants ,may be authorized by the city manager by administrative action without further council action.

(e) If an original contract was competitively bid with the provision for one (1) or more renewal options, the city manager may, by administrative action without further city council action, exercise each renewal option and authorize a contract for the specified renewal term.

(f) No expenditure exceeding ~~fifty~~~~fifteen~~ thousand dollars (\$~~5045~~5,000.00) or a greater amount if allowed by state law, may be made without competitive bids except when the expenditure falls within one of the general exemptions provided in V.T.C.A., Local Government Code § 252.022, as amended, provided, however, that in the event of an emergency expenditure, such emergency shall be declared by the city manager and approved or ratified by the city council or may be declared by the city council in its resolution authorizing execution of the contract.

(g) The city manager or designee is authorized to approve change orders subject to any restrictions imposed by state law provided, however, there are budgeted funds to cover any increase in costs to the city.

(h) The city manager is granted actual and express authority to make purchases, execute contracts and approve change orders for the city. The city manager has implied authority to do what is proper, usual, and necessary to exercise the authority that has been expressly delegated to the city manager by ordinance, including, but not limited to, approval of a purchasing manual or policy, appointing a purchasing agent or other designee to sign and execute purchase orders, contracts and change orders on behalf of the city manager.

(i) The city manager is authorized to initiate the process for contracts pertaining to public improvements or the maintenance of public property.

(j) The city manager is authorized to execute easements, deeds or other instruments for budgeted items, approved capital projects and facilities agreements.

(k) An expenditure not to exceed \$100,00.00, if provided in the budget, or in the capital improvement program provided there are funds available from general obligation or revenue bonds, certificates of obligation, type A and/or type B sales tax, state or federal grants, may be authorized by the city manager by administrative action without further city council action.”

SECTION 2. All ordinances of the City of Allen, Collin County, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 27TH DAY OF FEBRUARY 2018.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(PGS:1-23-18:95026)

Shelley B. George, TRMC, CITY SECRETARY