

**CITY OF JOSHUA, TEXAS**

**ORDINANCE NO. 882-2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING ARTICLE 1.09, "AUTHORITY OF CITY MANAGER TO EXECUTE CERTAIN AGREEMENTS AND CONTRACTS," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CITY OF JOSHUA CODE OF ORDINANCES BY INCREASING THE DOLLAR AMOUNT OF THE CITY MANAGER'S SIGNATORY AUTHORITY, AS FURTHER DEFINED HEREIN; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Joshua, Texas ("City"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

**WHEREAS**, Section 1.09.001 of Article 1.09 of the City's Code of Ordinances provides that the City Manager shall have the authority to sign, after authorization by the Council, all contracts entered into by the City in the manner prescribed in the ordinance authorizing the signing of any such obligation; and

**WHEREAS**, Section 1.09.002 of Article 1.09 of the City's Code of Ordinances provides that the City Manager shall have the authority to approve change orders in the manner prescribed in the ordinance authorizing the approval of any such obligation; and

**WHEREAS**, Section 1.09.003 of Article 1.09 of the City's Code of Ordinances provides that the City Manager shall have the authority to sign, after authorization by the Council, all interlocal agreements entered into by the City in the manner prescribed in the ordinance authorizing the signing of any such obligation; and

**WHEREAS**, the City Council desires to amend said Article 1.09 to grant additional signatory authority to the City Manager up to and including \$50,000, as further defined herein; and

**WHEREAS**, the City Council has determined that the City Manager should be authorized to execute documents in accordance with the amendments to the Code as set forth below; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THAT:**

**SECTION 1**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2**

From and after the effective date of this Ordinance, Article 1.09, “Authority of City Manager to Execute Certain Agreements and Contracts,” of Chapter 1, “General Provisions,” of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

**“ARTICLE 1.09**

**AUTHORITY OF CITY MANAGER TO EXECUTE CERTAIN AGREEMENTS AND CONTRACTS**

**§ 1.09.001. Authority of city manager to sign contracts.**

The city manager shall have authority to sign all contracts not to exceed \$50,000.00 without first obtaining city council approval of each such contract to the extent only that funds have previously been allocated in the city’s annual budget and are available for the purpose of said contract, and further provided that city council approval of said contract is not otherwise required by law.

**§ 1.09.002. Authority of city manager to approve change orders.**

The city manager shall have authority relative to public improvements or purchases subject to the competitive seal bidding and competitive sealed proposal requirements of chapter 252 of the Texas Local Government Code, as amended, to approve change orders involving an increase or decrease in the amount of \$50,000.00 or less, without approval of the city council.”

**§ 1.09.003. Authority to sign interlocal agreements.**

The city manager shall have the authority to sign any and all interlocal agreements between the city and any governmental entity authorized to enter into such interlocal agreements, pursuant to chapter 791 of the Texas Government Code, as amended, without first obtaining city council approval of such interlocal agreement. The city manager’s authority to sign such interlocal agreements is limited to those interlocal agreements that do not require any expenditure in excess of \$50,000.00.”

**SECTION 3**

This Ordinance shall be cumulative of all other ordinances of the City of Joshua and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 4**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of

competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

**DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 15<sup>th</sup> DAY OF FEBRUARY, 2024.**

*Scott Kimble*

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Scott Kimble, Mayor

**ATTEST:**

*Alice Holloway*

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Alice Holloway, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

*Terry Welch*

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Terrence S. Welch, City Attorney