

ORDINANCE NO. 2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA, AMENDING CHAPTER 2.04 OF THE UPLAND MUNICIPAL CODE REGARDING THE POWERS AND DUTIES OF THE CITY MANAGER

WHEREAS, California Government Code Section 40602 permits city councils to authorize city officers other than the mayor to enter into written contracts on behalf of the city; and

WHEREAS, the City Council previously amended Chapter 2.04 of the Upland Municipal Code to authorize the City Manager to approve and sign certain contracts on behalf of the City when the expenditure is authorized in the current budget and the contract amount does not exceed \$50,000; and

WHEREAS, the City Council finds that clarifying the application of delegated contracting authority by project or event will improve contract administration and operational efficiency; and

WHEREAS, the City Council further desires to authorize Department Heads to approve and sign certain contracts not exceeding \$25,000 when the expenditure is authorized in the current budget; and

WHEREAS, the City Council finds that limited Department Head contracting authority, subject to City Manager notification and City Council reporting requirements, will improve administrative efficiency and maintain oversight and transparency; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF UPLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Section 2.04.070 of Chapter 2.04 of Title 2 of the Upland Municipal Code is hereby amended to read in its entirety as follows:

"2.04.070. Powers and duties.

- A. The city manager shall be the administrative head of the government of the city under the direction and control of the city council except as otherwise provided in this code. The city manager shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to his or her general powers as administrative head, and not as limitation thereon, it shall be his or her duty and he or she shall have the powers set forth in Sections 2.04.080 through 2.04.200, inclusive.
- B. Under Government Code Section 40602(b), the mayor is vested with the

authority to sign all written contracts and conveyances made or entered into by the city while the city council may provide by ordinance that written contracts and conveyances may be signed by an officer other than the mayor. Therefore, the city manager may sign any written contract or conveyance on behalf of the city whenever the city council so authorizes the city manager by motion or resolution subject to such condition or limitation that the city council may impose upon such authority to the city manager.

- C. The city manager also may approve and sign a contract on behalf of the city for the purchase of equipment, materials, supplies or services provided the expenditure for same is authorized by the current annual budget and the contract amount does not exceed \$50,000.00 for any one vendor or professional, by project/event, in the same fiscal year. Additionally, the city manager may also approve and sign contracts between the city and other government agencies and non-profit organizations that are "no cost" to the city and do not impose or assume any liability to the city that it would not otherwise have in the absence of the contract. The city manager shall notify the city council in writing at least once per month of the execution of any contracts executed by the city manager for the city.
- D. Department heads may approve and sign contracts on behalf of the city for the purchase of equipment, materials, supplies or services provided the expenditure is authorized by the current annual budget and the contract amount does not exceed \$25,000.00 for any one vendor or professional, by project, in the same fiscal year. Department heads shall notify the city manager in writing immediately following the execution of any contracts in accordance with this subsection. The city manager shall notify the city council in writing at least once per month of contracts executed in accordance with this subsection."

SECTION 3. Certification. City Clerk of the City of Upland shall certify to the adoption of this Ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under Section 36933 of the Government Code of the State of California.

SECTION 4. CEQA. The Mayor and City Council finds this Ordinance is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision,

paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED, and ADOPTED this 8th day of June, 2026.



Bill Velto, Mayor
City of Upland

I, Keri Johnson, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 26th day of May, 2026, and was adopted at a regular meeting of the City Council of the City of Upland on the 8th day of June, 2026, by the following vote:

AYES: Mayor Velto, Councilmembers Maust, Breitling, Garcia, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None



Keri Johnson, City Clerk