

ORDINANCE NO. 28359

AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING SECTION 4.04.020 OF CHAPTER 4.04 OF TITLE 4 OF THE SAN JOSE MUNICIPAL CODE TO INCREASE ADMINISTRATIVE CONTRACT AUTHORITY FOR GRANT AGREEMENTS, PUBLIC ART AGREEMENTS AND SPONSORSHIP AGREEMENTS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSÉ:

Section 4.04.020 of Chapter 4.04 of Title 4 of the San José Municipal Code is hereby amended to read as follows:

4.04.020 Contract Authority of the City Manager

- A. The City Manager is authorized to enter into and execute for and on behalf of the City of San José, without the prior approval of the City Council, any Contract, for which:
1. Moneys have been appropriated; and
 2. There is an unexpended and unencumbered balance of such appropriation sufficient to pay the expense of the contract; and
 3. The total monetary value expended or received by the City does not exceed the amount listed below with respect to the type of contract:
 - a. Emergency purchases pursuant to Section 4.12.220 regardless of the amount expended;
 - b. Agreements for the lease or purchase of supplies materials and equipment including the delivery thereof, having a maximum value of One Million Dollars (\$1,000,000);
 - c. Agreements for services, other than professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms, having a maximum value of Two Hundred Fifty Thousand Dollars (\$250,000);
 - d. Agreements relating to the grant of funds to or from the City and agreements for the acquisition of public artwork having a maximum value of Two Hundred Fifty Thousand Dollars (\$250,000);
 - e. Sponsorship Agreements (as described in Section 4.04.010A.7). having a maximum value of Two Hundred Fifty Thousand Dollars (\$250,000), each with a term not exceeding three (3) years, and which otherwise comply with City Council policy;
 - f. All other types of contracts having a maximum value of One Hundred Thousand Dollars (\$100,000).

- B. In addition, the City Manager is authorized to enter into and execute for and on behalf of the City of San José, without the prior approval of the City Council the following:
1. Any Contract for the payment of fees imposed on the developer of a residential project pursuant to Chapter 14.25 or Chapter 19.38 of this Code;
 2. One or more amendments to a lease, where City is a lessee or lessor, for the purpose of undertaking a cumulative total of no more than One Hundred Thousand Dollars (\$100,000) in improvements to the leased property over the term of the lease, including option periods;
 3. Tenant estoppel certificates on behalf of the City, where City is a landlord, tenant or subtenant under an existing lease;
 4. Agreements for the purchase or donation of fee interests in real property or for the grant of easements to the City, and all documents necessary to complete the purchase, where:
 - a. the real property or the easement is being acquired in order to implement a project approved by the City Council; and
 - b. the grant of easement or acquisition of real property has been determined to present no significant toxics liability; and
 - c. the compensation to the seller of the real property or grantor of the easement does not exceed One Hundred Thousand Dollars (\$100,000) and all costs of purchase and additional costs of escrow and closing are lawfully available in accordance with Subsections 4.04.020 A. 1 and 2 above.
 5. Temporary construction easements for terms not exceeding two (2) years where the City is grantor or grantee and the compensation for the temporary construction easement rights does not exceed One Hundred Thousand Dollars (\$100,000).
- C. No provision of this Chapter is intended to limit the authority of the City Manager or any Council Appointee from seeking approval of a specific action by the City Council, nor is it intended to limit the authority of the City Council to place limitations on the City Manager's or other Council Appointee's authority with respect to entering into specific contracts.

PASSED FOR PUBLICATION of title this 24th day of June 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk