



Memorandum Regarding Council Bill No. 2024-30: An Ordinance Amending the City's contract regulations to clarify the City Administrator's authority.

Background:

City Code Section 2-190 contains provisions authorizing the City Administrator to enter into contracts on behalf of the City where the amount of the contract is less than \$5,000.00.

Analysis:

City staff are proposing modifications to this Code section to clarify that the City Administrator's authority under Section 2-190 applies when the City is not required to pay more than \$5,000.00 under a contract. This modification will clarify that the limit applies only when funds are expended by the City, not received by the City.

Recommendation:

Staff recommends approval of Council Bill 2024-30. The purpose of the Code section is to streamline the City's contract authorization processes. Clarifying that the City Administrator is delegated the authority to enter into contracts where the payment to be made by the City does not exceed \$5,000.00 will allow for a more streamlined contract approval process.

MEMO SUBMITTED BY:

Nick Woodman | City Attorney

Attachments:

Council Bill No. 2024-30.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER 2,**
2 **ARTICLE VI, DIVISION 2, SECTION 2-190 FOR THE PURPOSE OF CLARIFYING THE**
3 **CITY ADMINISTRATOR’S CONTRACT AUTHORITY.**

4
5 **WHEREAS** Chapter 2, Article VI, Division 2 contains provisions related to the
6 general contracting requirements of the City; and

7
8 **WHEREAS** Section 2-190 contains general and broad authority for the City
9 Administrator to enter into contracts on behalf of the City without the need for direct
10 approval from the City Council; and

11
12 **WHEREAS** this Council Bill, if approved, would modify Section 2-190 to clarify that
13 the City Administrator is authorized to enter into contracts on behalf of the City where the
14 amount to be paid by the City does not exceed \$5,000.00 in the then current fiscal year;
15 and

16
17 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

18
19 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
20 **NIXA, AS FOLLOWS, THAT:**

21
22 **SECTION 1:** Chapter 2, Article VI, Section 2-190 of the Nixa City Code is hereby
23 amended by repealing said Section in its entirety and adopting in lieu thereof a new
24 Section 2-190, which said Section shall read as follows (Explanation: Language in bold-
25 face type (e.g., **thus**) is language to be to be added. Language in bold-faced brackets
26 (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):

27
28 Sec. 2-190. – General contracting authority of the city administrator.

29
30 In addition to any other authority that may be granted to the city administrator by
31 the city council or by specific ordinance, including Division 1 of this Article, the city
32 administrator, **or their designee**, is authorized to enter into contracts on behalf of the city
33 **where the amount to be paid by the city does not exceed \$5,000.00 during any**
34 **single term of the contract** [~~in an amount not exceeding \$5,000.00~~], **and** provided that
35 such contract is within the scope of an appropriation in the [~~currently adopted~~] city budget,
36 if applicable. Any contract entered into under the authority of this section shall not have a
37 term in excess of five years.

38
39 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is
40 authorized to provide for different section numbers, subsection numbers, and different
41 internal citation references than those provided herein when such section numbers,
42 subsection numbers, or internal citation references are in error or are contrary to the intent
43 of this Ordinance.

44
45 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to
46 affect any suit or proceeding now pending in any court or any rights acquired, or liability

47 incurred nor any cause or causes of action occurred or existing, under any act or
48 ordinance repealed hereby.

49
50 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or
51 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
52 the validity of the remaining portions of this Ordinance. The Council hereby declares that
53 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
54 phrase thereof, irrespective of the fact that any one or more sections, subsections,
55 sentences, clauses, or phrases be declared invalid.

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57 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final
58 passage by the City Council and after its approval by the Mayor, subject to the provisions
59 of section 3.11(g) of the City Charter.

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61

62 **ADOPTED BY THE COUNCIL THIS 24th DAY OF SEPTEMBER 2024.**

63
64 ATTEST:

65
66 _____
67 PRESIDING OFFICER CITY CLERK

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70 **APPROVED BY THE MAYOR THIS _____ DAY OF SEPTEMBER 2024.**

71
72 ATTEST:

73
74 _____
75 MAYOR CITY CLERK

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77

78 APPROVED AS TO FORM:

79
80 _____
81 CITY ATTORNEY