



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

February 12, 2018

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Amending Section 2.08.120 of Chapter 2.08 and Section 2.30.270 of Chapter 2.30 of Title 2 of the Palo Alto Municipal Code to Update job Titles of Attorneys in the City Attorneys' Office to Conform With Changes Adopted by Council in the FY 2018 Annual Budget (FIRST READING: January 29, 2018 PASSED: 9-0)

This was first heard by the City Council on January 29, 2018 and was passed 9-0. It is now before the Council for the second reading.

ATTACHMENTS:

- Attachment A: Attorney Office Staff Update Ordinance (PDF)

Department Head: Beth Minor, City Clerk

Not Yet Approved

ORDINANCE NO. _____

Ordinance of the Council of the City of Palo Alto
Amending Section 2.08.120 (Office and duties of the city attorney) of Chapter 2.08
(Officers and Departments) and Section 2.30.270 (Delegations of authority to contract) of
Chapter 2.30 (Contracts and Purchasing Procedures) of Title 2 (Administrative Code) of the Palo
Alto Municipal Code to Update Attorney Job Titles

Recitals

- A. Pursuant to the provisions of Section 12 of Article III of the Charter of the City of Palo Alto, the Council on June 27, 2017 did adopt a budget for fiscal year 2017-18, including a table of organization describing the staffing for each department of the City.
- B. In the 2017-18 annual budget and associated enactments, Council simplified and updated job titles, also known as “classifications,” in the City Attorneys Office.
- C. Two sections of the Municipal Code need to be updated to reflect the new job titles.

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Section 2.08.120 (Office and duties of the city attorney) of Chapter 2.08 (Officers and Departments) of Title 2 (Administrative Code) of the Palo Alto Municipal Code is amended to read as follows:

2.08.120 Office and duties of the city attorney.

- (a) The office of the city attorney shall be under the direction of a city attorney who shall be accountable to the council. The duties of the city attorney shall be as follows:
- (1) To advise the council, the city manager, boards, commissions and all officers and departments of the city on all matters of law;
 - (2) To draft, or assist in the drafting of, all ordinances, resolutions, agreements, and contracts to be made or entered into by the city, and approve the form of such instruments;
 - (3) To prosecute all violators of city ordinances and to represent the city in all actions at law;
 - (4) To have authority to appoint deputies and assistants in accordance with control procedures for that purpose and administered by the department of human resources; provided, that the appointment of the ~~senior assistant city attorney~~ chief assistant city attorney shall be approved by at least a majority of the council;

(5) To defend any officer or employee of the city in any action arising out of the performance of the official duties of such officer or employee;

(6) To perform such other duties as may be required by the Charter or as the council may require.

SECTION 2. Section 2.30.270 (Delegations of authority to contract) of Chapter 2.30 (Contracts and Purchasing Procedures) of Title 2 (Administrative Code) of the Palo Alto Municipal Code is amended to read as follows:

2.30.270 Delegations of authority to contract.

This Section establishes the exclusive source of authority to delegate any authority to contract granted by this chapter. The authority to delegate contracting authority shall not be implied from any other provision of this municipal code.

(a) Procurement Officer Delegations. The Procurement Officer may delegate the authority granted under Section 2.30.200, as follows: a city employee holding the position of contract manager or senior buyer may be authorized to award and sign any contract in an amount of \$50,000.00 or less per year with a term not to exceed three years; and a city employee holding the position of buyer may be authorized to award and sign any contract in an amount of \$25,000.00 or less per year with a term not to exceed three years.

(b) City Manager Delegations. The City Manager may delegate the authority to contract granted to the City Manager by this chapter or Section 2.08.140(a)(3) and (5) of this municipal code to an Assistant City Manager and to the Director of Administrative Services, and, as to wholesale utility commodities and services contracts and transactions issued thereto, the City Manager may delegate to the Director of Utilities. If an Assistant City Manager, the Director of Administrative Services, or the Director of Utilities is unable to exercise the authority delegated to him or her due to legal or physical incapacity, constraint, or unavailability, the City Manager may, with the prior concurrence of the City Attorney, delegate the authority to any other city employee.

(c) City Attorney Delegations. The City Attorney may delegate any authority to contract granted to the City Attorney by this chapter to a city employee holding the position of ~~principal attorney~~ chief assistant city attorney or, if the ~~principal attorney~~ chief assistant city attorney is unavailable, ~~senior assistant city attorney~~ assistant city attorney.

(d) Delegations to be Written. All delegations of authority shall be in writing, be dated, and describe the limits of the authority delegated, including, without limitation, the type, dollar amount, quantity of goods, the scope of services or authority, and the term of the contracts that may be executed under the delegation. All delegations of authority shall be kept on file by the Procurement Officer.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the

Not Yet Approved

Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney

City Manager

Director of Administrative
Services