

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**

**IN THE MATTER OF:**

An Ordinance of the City Council of the City of )  
Lafayette adding Chapter 2-18 to the Lafayette )  
Municipal Code to Authorize City Officials to Execute )                      Ordinance No. 640  
Instruments Per Government Code Section 40602 )

**WHEREAS**, Government Code Section 40602 provides that the mayor of a city shall sign all warrants drawn on the city treasury, all written contracts and conveyances made or entered into by the city, and all instruments requiring the city seal; and

**WHEREAS**, Government Code 40602 also states that the legislative body of a city may, by ordinance, authorize an officer other than the mayor to execute the instruments set forth above; and

**WHEREAS**, the City Council wishes to amend the Lafayette Municipal Code to authorize city officers other than the mayor to execute warrants drawn on the city treasury, written contracts and conveyances made or entered into by the city, and instruments requiring the city seal.

**THE CITY COUNCIL OF THE CITY OF LAFAYETTE DOES ORDAIN AS FOLLOWS:**

**Section 1. CEQA.** The City Council finds that adoption of Ordinance 640 is not a "project," as defined in the California Environmental Quality Act ("CEQA," codified at Public Resources Code § 21000, *et seq.*, and as further governed by 14 California Code of Regulations § 15000, *et seq.*) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and concerns general policy and procedure making.

**Section 2. Adoption of Amendments.** Based on the record before the City Council, and all written and oral evidence presented to the City Council, the City Council hereby adopts Ordinance 640 and thereby adds to the Lafayette Municipal Code a new Chapter 2-18 "Execution of Instruments," as described in Exhibit "A," a true and correct copy of which is attached hereto and incorporated herein by reference.

**Section 3. Effective Date.** This Ordinance becomes effective thirty (30) days after its adoption.

**Section 4. 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, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions 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 of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

**Section 5. Publication.** The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

The foregoing Ordinance was introduced at a meeting of the City Council of the City of Lafayette held on June 8, 2015, and adopted and ordered published at a meeting of the City Council held on June 22, 2015, by the following vote:

AYES: **B. Andersson, Reilly, M. Anderson, Mitchell and Tatzin**

NOES: **None**

ABSTAIN: **None**

ABSENT: **None**

ATTEST:

APPROVED:

\_\_\_\_\_  
Joanne Robbins, City Clerk

\_\_\_\_\_  
Brandt Andersson, Mayor

**Exhibit "A"**

Chapter 2-18 of Title 2 of the Lafayette Municipal Code is hereby added to read as follows:

**Chapter 2-18**  
**EXECUTION OF INSTRUMENTS**

- 2-1801 City Manager.**
- 2-1802 Other Officers.**
- 2-1803 Other Grants or Delegations of Authority Unaffected.**

**2-1801 City Manager.**

The City Manager is authorized to sign all warrants drawn on the City Treasury, all written contracts and conveyances made or entered into by the City, and all instruments requiring the City seal, provided such instrument does not exceed such amount or such authority granted to the City Manager by the City Council as may be established from time to time by resolution, motion or order of the City Council. In addition, the City Council may, by resolution, motion, or order, delegate to the City Manager the authority to execute any specific instrument regardless of amount.

**2-1802 Other Officers.**

The City Council may, by resolution, motion, or order, delegate to any officer of the City the authority to sign warrants drawn on the City Treasury, written contracts and conveyances made or entered into by the City, and instruments requiring the City seal.

**2-1803 Other Grants or Delegations of Authority Unaffected.**

Nothing in this Chapter 2-18 shall be construed to invalidate or supersede any existing grants or delegations of authority from the City Council to the City Manager or to any other City Officer. Any prior grants or delegations of authority consistent with this Ordinance shall be deemed to be ratified by this action.