ORDINANCE NO. 21-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 2.05 TO THE PACIFIC GROVE MUNICIPAL CODE REQUIRING THE MAYOR TO SIGN CONTRACTS AND OTHER LEGAL INSTRUMENTS

FACTS

1. The City of Pacific Grove became a Charter City on April 22, 1927.

2. The Pacific Grove Charter, in Article 11, currently provides, in part: “In the name and on behalf of the City the Mayor shall sign all contracts, deeds, bonds and other legal instruments in which the City is a party.”

3. The Pacific Grove Municipal Code (PGMC) sets forth rules regarding Administration and City Government in Title 2. Chapter 2.04 sets forth processes related to the City Council. Chapters 2.06 and 2.07 set forth processes related to the City Manager and the City Attorney, respectively. The PGMC does not include a Chapter addressing the Mayor’s role in the execution of contracts, deeds, bonds and other legal instruments in which the City is a party.

4. Identifying the Mayor’s role in execution of legal instruments in which the City is a party promotes compliance with Pacific Grove Charter Article 11, and assists City elected officials in efforts to fulfill their fiscal oversight responsibilities.

5. This ordinance does not constitute a Project as that term is defined by Section 15378 of the California Environmental Quality Act (CEQA) as it is an organizational or administrative activity of government that will not result in direct or indirect physical changes in the environment.

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

SECTION 1. Facts.

The facts set forth above are true and correct and are adopted as findings of the City Council as though set forth fully within the body of this ordinance.

SECTION 2. Amendment of Pacific Grove Municipal Code to Add Chapter 2.05.

The following Chapter shall be added to the Pacific Grove Municipal Code:

Chapter 2.05 Mayor
SECTION 3. Amendment of Pacific Grove Municipal Code to Add Section 2.05.010

Section 2.05.010 Mayor Required to Sign Contracts and Other Legal Instruments

Pursuant to Article 11 of the city charter the Mayor shall sign, facsimile or actual, in the name and on behalf of the City, all contracts, deeds, bonds and other legal instruments in which the City is a party. This section does not transfer operational authority to the Mayor.

SECTION 4. Amendment of Pacific Grove Municipal Code to Add Section 2.05.020

Section 2.05.020 Alternate Signature Authority for Contracts and Other Legal Instruments

In the case of sickness or absence of the Mayor, the Mayor Pro Tempore is empowered to sign contracts, deeds, bonds and other legal instruments in the place and stead of the sick or absent Mayor.

SECTION 5. Amendment of Pacific Grove Municipal Code to Add Section 2.05.030

Section 2.05.030 Purchase Order Exception

As an exception to provisions of Sections 2.05.010 and 2.05.020, purchases of and contracts for supplies, services, materials, equipment and public works by the city, shall not require the signature of the Mayor provided the purchase or contract: a) meets all criteria set forth in PGMC Chapter 2.16, b) is made in accord with an unencumbered appropriation in the fund against which the purchase is to be charged, and c) is to purchase supplies, services, materials, or equipment that in the aggregate do not exceed the amount referenced in PGMC Section 2.16.160.

SECTION 6. Timeliness.

Section 2.05.040 Timeliness

Section 2.05.010 addresses a ministerial duty that shall be performed expeditiously and without undue delay.

SECTION 7. Interpretation.

This Ordinance shall be liberally construed to implement its purposes.

SECTION 8. Severability.

If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the
validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 9. Effective Date.**

In accord with Article 15 of the City Charter, this ordinance shall take effect thirty (30) days following adoption on second reading by the City Council.

**SECTION 10. No Sunset Date.**

This ordinance shall have continuing effect and shall not expire.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 19th day of May 2021, by the following vote:

**AYES:** Mayor Peake, Councilmembers Amelio, Coletti, McAdams, Poduri, Smith, and Tomlinson.

**NOES:** None.

**ABSENT:** None.

APPROVED:

[Signature]

BILL PEAKE, Mayor

ATTEST:

[Signature]

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM: