

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA PERTAINING TO TITLE 1 OF THE MESA CITY CODE; AMENDING SECTION 1-20-4 OF THE MESA CITY CODE, BY ADDING NEW PARAGRAPH 1-20-4(K) DELEGATING AUTHORITY TO THE CITY MANAGER TO ENTER INTO AND ACCEPT CERTAIN GRANT AGREEMENTS WITHOUT PRIOR COUNCIL APPROVAL AND RE-LETTERING THE EXISTING 1-20-4(K) TO BE 1-20-4(L).

WHEREAS, the Mesa City Charter Section 101(C) provides in part that the City may receive bequests, donations, gifts, and grants of all kinds of property in fee simple or in trust for charitable or other purposes and do all acts necessary to carry out the purposes thereof;

WHEREAS, grant awards or agreements that require City Council approval will continue to be submitted to Council for approval; and

WHEREAS, often times City Council approval prior to entering into grant agreements is impracticable due to the time restrictions given to the City to accept the grant funds; and

WHEREAS, the City Council has determined that in certain circumstances it is appropriate to have the City Manager enter into and accept grant agreements without prior Council approval and therefore has delegated this authority to the City Manager as provided herein.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Title 1, Chapter 20, Section 4 of the Mesa City Code, entitled “Duties” is hereby amended by adding new paragraph (K) and re-lettering the existing paragraph (K) to (L), which shall read as follows:

Text written in <b>BOLD ALL CAPS</b> indicates new language. <del>Strikethrough</del> fonts indicates deletions
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1-20-4: DUTIES:

The Manager shall be the chief administrative officer of the City, responsible to the Council for administration and coordination of all departments, boards, and affairs assigned to him by this Chapter, by ordinance, or by resolution. He shall have authority and responsibility to:

- (A) Attend Council meetings and present information and recommendations he deems necessary or as requested by any member of the Council, but he shall have no vote.

- (B) Recommend to, and upon approval by the Council, appoint all City officers (except those subject to Council appointment pursuant to Section 401 of the Mesa City Charter), and when deemed necessary, suspend, and after approval of the Council, remove them.
- (C) Pursuant to the merit system regulations, appoint, and when necessary remove, all employees of the City, except as he may authorize heads of departments and offices to appoint and remove their own subordinates. Any unexcused voluntary absence of any employee shall constitute resignation.
- (D) Recommend to the Council personnel policies and assignments for efficient operation of the City government.
- (E) Submit to the Council the annual budget and capital program.
- (F) Supervise all expenditures and purchases of the City.
- (G) See that all laws, provisions of this Chapter, and acts of the Council subject to enforcement by him or by officers under his direction are faithfully executed.
- (H) Execute or cause to be executed by his designated representative all contracts and other lawful documents authorized by the Council.
- (I) Grant or assign easements to utility and telecommunication entities, public agencies, or governmental entities for utility and telecommunication easements, storm water and drainage easements, and similar types of easements that are intended to benefit the public or to allow utility services to City owned property. The grants or assignments may be from City owned property, City rights-of-way, or other property for which the City has a property right that allows it to grant or assign such easements.
- (J) Dedicate rights-of-way and easements to the public from City owned property.
- (K) **ENTER INTO AND EXECUTE GRANT AGREEMENT FOR THE RECEIPT OF GRANT FUNDS, IN ANY AMOUNT, AND FROM ANY SOURCE UNDER THE FOLLOWING CONDITIONS:**
  - (I) **WHEN THERE IS A DECLARED NATIONAL, STATE, OR LOCAL EMERGENCY OR WHEN THE GRANT IS RELATED TO OR INTENDED TO MITIGATE THE EFFECTS OF AN EMERGENCY; OR**
  - (II) **WHEN THE GRANT HAS A LOCAL MATCH REQUIREMENT OF \$100,000 OR LESS, EXCLUDING MATCHING FUNDS SATISFIED FROM FEDERAL, STATE, OR OTHER ENTITY FUNDING SOURCES AND EXCLUDING NON-MONETARY MATCHING SOURCES, AND THE GRANT DOES NOT REQUIRE THE CITY TO HIRE**

**ADDITIONAL FULL-TIME EMPLOYEES; OR**

- (III) WHEN THE GRANT IS FOR A CAPITAL IMPROVEMENT PROJECT; OR**
- (IV) WHEN THE GRANT IS FOR A FALCON FIELD AIRPORT PROJECT**
- (V) THE CITY MANAGER, OR DESIGNEE, WILL PROVIDE CITY COUNCIL WITH PERIODIC UPDATES ON ALL GRANT AGREEMENTS THE CITY MANAGER ENTERS INTO AND EXECUTES PURSUANT TO THE AUTHORITY IN THIS SECTION.**

~~(K)~~ (L) Perform any other lawful duties required of him by the Council.

Section 2: INTENT: The intent of the phrase “excluding matching funds satisfied from federal, state, or other entity funding sources and excluding non-monetary matching sources” in Section 1-20-4(K)(II) is intended to apply (and authorize the City Manager to enter into grants) in situations when the local match is larger than \$100,000 but the local match will be reduced to \$100,000 or less because the local match will be partially met by other grant funds; or funds from federal, state, or other entity (not City of Mesa) funds; and/or non-monetary City sources.

Section 3: SEVERABILITY: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4: UNCODIFIED SECTION: Section K(II) also applies when the local match is larger than \$100,000 but the local match is reduced to \$100,000 or less because the local match has been partially met by non-monetary City costs or expenses.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 17th day of October, 2022.

APPROVED:

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Mayor

ATTTEST:

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City Clerk