

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SECTION 1.03.002, "AUTHORITY OF TOWN MANAGER TO EXECUTE CERTAIN AGREEMENTS, CONTRACTS AND GRANT APPLICATIONS," OF ARTICLE 1.03, "ADMINISTRATION," OF CHAPTER 1, "GENERAL PROVISIONS," CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY INCREASING THE CONTRACT AND RELATED AUTHORITY OF THE TOWN MANAGER TO \$50,000.00 AND AUTHORIZING THE DELEGATION OF SAID AUTHORITY TO ANY ASSISTANT TOWN MANAGER; MAKING FINDINGS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Prosper, Texas ("Town"), is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

**WHEREAS**, the Town's current ordinances allow and authorize the Town Manager, among other things, to execute contracts and interlocal agreements not to exceed \$25,000.00 without first obtaining Town Council approval; and

**WHEREAS**, due to the growth of the Town, the increase in the number of employees of the Town, the increase in the number of contracts and agreements that the Town is required to consider, approve and execute, and the delay occasionally experienced in the prompt execution of contracts and agreements, the Town Council deems it prudent and advisable that the Town Manager's signatory authority be increased to \$50,000.00 and that the Town Manager should be authorized to delegate such authority to any Assistant Town Manager; and

**WHEREAS**, the Town Council has determined it is in the best interest of the Town that this issue be addressed.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:**

### **SECTION 1**

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

### **SECTION 2**

From and after the effective date of this Ordinance, Section 1.03.002, "Authority of the Town Manager to Execute Certain Agreements, Contracts and Grant Applications," of Article 1.03, "Administration," of Chapter 1, "General Provisions," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

**"Sec. 1.03.002 Authority of Town Manager to execute certain agreements, contracts and grant applications.**

(a) *Authority of Town Manager to sign contracts.* The Town Manager shall have authority to sign all contracts not to exceed \$50,000.00 without first obtaining Town Council approval of each such contract to the extent only that funds have previously been allocated in

the Town's annual budget and are available for the purpose of said contract, and further provided that Town Council approval of said contract is not otherwise required by law.

(b) *Authority of Town Manager to approve change orders.* The Town Manager shall have authority relative to public improvements or purchases subject to the competitive sealed bidding and competitive sealed proposal requirements of V.T.C.A., Local Government Code, Ch. 252, as amended, to approve change orders involving an increase or decrease in the amount of \$50,000.00 or less, without approval of the Town Council.

(c) *Authority to sign interlocal agreements.* The Town Manager shall have the authority to sign any and all interlocal agreements between the town and any governmental entity authorized to enter into such interlocal agreements, pursuant to V.T.C.A. Government Code, Ch. 791, as amended, without first obtaining Town Council approval of such interlocal agreement. The Town Manager's authority to sign such interlocal agreements is limited to those interlocal agreements that do not require any expenditure in excess of \$50,000.00.

(d) *Authority of Town Manager to sign grant applications.* The Town Manager shall have authority to sign grant applications, and related documentation, for prospective grants of less than \$50,000.00 without first obtaining Town Council approval of each such grant. For prospective grants of \$50,000.00 or more, the Town Manager may sign grant applications, and related documentation, and thereafter seek ratification of the grant application, and related documentation, by the Town Council.

(e) *Town Manager delegation of authority.* The Town Manager may delegate any signatory or approval authority referenced in this section to any Assistant or Deputy Town Manager.”

### **SECTION 3**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.

### **SECTION 4**

If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

### **SECTION 5**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the Town of Prosper, Texas.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS THE 28TH DAY OF MAY, 2024.**

**APPROVED:**

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**David F. Bristol, Mayor**

**ATTEST:**

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**Michelle Lewis Sirianni, Town Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Terrence S. Welch, Town Attorney**