

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AMENDING TITLE I, GOVERNMENT CODE, CHAPTER 110, ADMINISTRATION POLICIES, ARTICLE VIII, AUTHORITY TO ENTER INTO CONTRACTS POLICY AND CHAPTER 120, CITY OFFICERS AND EMPLOYEES, ARTICLE VI, MISCELLANEOUS PROVISIONS

WHEREAS, the City of Republic, Missouri, (herein called the "City" or "Republic") isa municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, on April 6, 2021, in Ordinance 21-18, the City Council adopted a new purchasing policy contained in Section 110.020 of the Municipal Code of the City of Republic, Missouri; and

WHEREAS, the purchasing policy adopted in Ordinance 21-18 omitted amending Section 110.200 regarding the not to exceed amount the City Administrator and Finance Director may enter into for contracts on behalf of the City without prior City Council approval; and

WHEREAS, the City of Republic has recognized the need to continually review and revise the Municipal Code of the City of Republic, Missouri to accurately reflect staff titles and terminology used within the City;

WHEREAS, authorizing the BUILDS Administrator or their designee to accept right-of-way dedications in addition to easements for public use under certain conditions will provide the grantors, the City, and the public which it serves, greater flexibility in proceeding with public improvements.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF REPUBLIC, IN THE STATE OF MISSOURI, AS FOLLOWS:

Section 1: Title I, Government Code, Chapter 110, Administration Policies, Article VIII, Authority To Enter Into Contracts Policy is hereby amended by amending Section 110.200 Persons Authorized to Enter Into Contracts on Behalf of City to read as follows:

110.200 Persons Authorized To Enter Into Contracts On Behalf Of City

The City Administrator and Finance Director are hereby authorized to enter into contracts on behalf of the City without prior City Council approval in an amount not to exceed ~~twenty five~~ **fifty** thousand dollars (~~\$25~~**50**,000.00) in

value, provided that the City Administrator and Finance Director jointly approve entry into such contracts and that the City Council has appropriated funds for such contracts in the budget or by City Council action.

Title I, Government Code, Chapter 120, City Officers and Employees is hereby amended by amending section 120.140 Acceptance Of Easements Dedicated To Public Use to read as follows:

120.140 Acceptance Of Easements **And Right-of-Way** Dedicated To Public Use

A. The ~~Director of Public Works~~ **BUILDS Administrator or their designee** may accept easements **and deficient right-of-way** on behalf of the City when **in the exercise of their discretion they determine that** all of the conditions in Subsections (1) through (3) exist and at least one (1) of the conditions in Subsection (4) exists, **or that the conditions in Subsection (5) exist.**

1. The easement **or deficient right-of-way dedication** is offered at no cost to the City or can be obtained at a cost that does not exceed the authorizations for purchases established in the City purchasing manual for a department head or the City Administrator;
2. The easement **or deficient right-of-way dedication** is adjacent to, or an extension of, an existing easement **or right-of-way** or **other public infrastructure** improvement owned by or dedicated to the City;
3. The easement **or deficient right-of-way dedication** is necessary for the **proposed or planned** construction or maintenance of a public improvement or storm water drainage area;
4. The easement **or right-of-way** is necessary or expedient:
 - a) To follow a maintenance directive of the City Council;
 - b) To improve water, sanitary sewer, ~~and~~ storm water drainage, **or right-of-way**; or
 - c) To obtain additional right-of-way up to the amount prescribed in **the City's Adopted Major Thoroughfare Plan, Transportation Master Plan, or City Code**. ~~subdivision regulations of the Land Development Code.~~

5. In addition, the ~~Public Works Director~~ **BUILDS Administrator or their designee** may accept easements **or deficient right-of-way** as part of a project for which obtaining easements **and/or right-of-way** was a known element of the project and proceeding with the project has been approved by City Council. This authorization is subject to meeting the requirements of the City purchasing manual for expenditures if not otherwise authorized by City Council.

EXPLANATION - Matter in bold-face type in the above is added language. Matter in in the above is deleted.

Section 2. All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3. The whereas clauses are hereby specifically incorporated herein by reference.

Section 4. The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 5. This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this_day of October 2021.

Matt Russell, Mayor

ATTEST:

Laura Burbridge, City Clerk

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Damon Phillips 9/29/2021
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Approved as to Form _____, Damon Phillips, City Attorney

Final Passage and Vote: _____