

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY REVISING SUBSECTION (c) OF SECTION 2-9, “CONTRACT EXECUTION; AMENDMENTS; CHANGE ORDERS,” TO CLARIFY THAT THE CITY MANAGER MAY, WITHOUT CITY COUNCIL APPROVAL, EXECUTE MONTH-TO-MONTH LEASES OR LEASES THAT DO NOT EXCEED 31 DAYS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, with certain exceptions, section 2-9(c) of the Code of the City of Fort Worth (2015) (“City Code”) requires that any contract or other legal instrument for sale, purchase, or lease of real property must be approved by the City Council prior to execution by the City Manager; and

WHEREAS, existing language allows execution of “leases for a term not exceeding 30 days and involving an amount not exceeding \$50,000” by the City Manager without City Council approval and has long been interpreted and applied as allowing for the execution of leases that are below the dollar threshold and that constitute month-to-month leases or may otherwise be terminated with 30 days’ notice; and

WHEREAS, staff proposes revising the ordinance language to clarify the extent of the City Manager’s authority, memorialize long-standing practice, and provide explicit authority for execution of leases of up to 31 days.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Chapter 2, “Administration,” Section 2-9(c), “Contract Execution; Amendments; Change Orders,” of the City Code is hereby amended to clarify the City Manager’s authority to execute month-to-month leases or leases with a duration of up to 31 days with such provision, as amended, to read as follows:

(c) Except as otherwise provided in this section, any contract or other legal instrument for the sale, purchase or lease of real property shall be approved by the city council prior to the execution or acceptance of the city manager. The following may be executed without city council approval:

(i) Leases that:

(A) (1) involve an annual City expenditure amount not exceeding \$50,000; or

(2) Involve the City as landlord; and

(B) (1) have a month-to-month term; or

(2) have a term not exceeding thirty-one (31) days;

and

(ii) Licenses, except for those that involve use of public right of way for a period in excess of six (6) months.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the City Code, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such City Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Fort Worth City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the ordinance amended herein, which have accrued at the time of the effective date of this ordinance and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinance, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

Date: _____

ADOPTED: _____

EFFECTIVE: _____