

ORDINANCE NO. _____

AMENDING SECTION 2-9 OF THE CITY CODE TO AUTHORIZE THE CITY MANAGER TO EXECUTE ANY CONTRACTS OR OTHER LEGAL INSTRUMENTS NECESSARY TO PROVIDE PUBLIC ASSISTANCE FROM FUNDS AVAILABLE UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT, AS MAY BE AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under Section 2-9(d) of the City Code, the City Council has authorized the City Manager to execute certain contracts and other legal instrument without City Council approval; and

WHEREAS, the spread of the novel coronavirus now referred to as COVID-19 has been declared as a worldwide pandemic by the World Health Organization; and

WHEREAS, on March 13, 2020 the Governor of Texas issued a State of Disaster for all Texas counties and the President of the United States declared a State of National Emergency for the United States of America due to the COVID-19 virus; and

WHEREAS, on that same day, Mayor Betsy Price ordered a Declaration of Public Health Emergency, which has been approved, amended, and extended by the City Council, and the Governor of Texas and numerous County Judges have issued various Executive Orders, all of which have closed or limited operations of certain businesses and restricted activities of the public in order to reduce the opportunity for transmission of the COVID-19 virus; and

WHEREAS, this public health crisis has impacted and created economic hardships for all residents; and

WHEREAS, the federal Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law on March 27, 2020, in order to protect the American people from the public health and economic impacts of COVID-19 by providing economic assistance to workers, families, and small businesses, and to help preserve jobs for American industries; and

WHEREAS, local governments across the country, including the City of Fort Worth, have received relief funding under the CARES Act to assist their residents and businesses impacted by the COVID-19 public health crisis; and

WHEREAS, the City Council has canceled a number of its regularly scheduled meetings in order to minimize person-to-person contact during the COVID-19 public health crisis; and

WHEREAS, Mayor Betsy Price has established a number of advisory committees comprised of senior City staff, City Council members, and interested citizens to provide ongoing policy guidance in order to assist the City in responding effectively to local needs generated by the COVID-19 public health crisis; and

WHEREAS, it will be necessary for the City to implement use of federal aid made available under the CARES Act very quickly in order to provide the most effective relief to residents and businesses who are experiencing economic hardship because of the COVID-19 public health crisis; and

WHEREAS, accordingly, in order to make distribution of CARES Act funding to Fort Worth citizens and businesses as efficient as possible, the City Council wishes to amend Section 2-9 of the City Code to allow the City Manager or any Assistant City Manager (including the Deputy City Manager) to execute any contracts and other legal instruments necessary to provide public assistance from funds available under the CARES Act without first having to convene City Council meetings in order to obtain initial approval of such contracts and other legal instruments;

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

SECTION 1.

Chapter 2 “Administration,” Article I “In General,” Section 2-9 “Contract Execution; Amendments; Change Orders,” subsection (d) of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add subsection (11) as follows:

§ 2-9 CONTRACT EXECUTION; AMENDMENTS; CHANGE ORDERS.

(d) Provided that sufficient funds have previously been appropriated by the city council, the city manager may execute the following without city council approval:

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(11) Any contract or other legal instrument necessary to provide public assistance from funds available under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, as may be amended.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (2015), 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 Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or illegal by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality 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 City Council without the incorporation in this ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall take effect and be in full force immediately upon its adoption.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Peter Vaky, Deputy City Attorney

Mary J. Kayser, City Secretary

ADOPTED AND EFFECTIVE: _____