

**RESOLUTION NO. 2022-03**

**A RESOLUTION IMPLEMENTING PUBLIC CONTRACTING DELEGATION  
AUTHORIZED IN LINCOLN CITY MUNICIPAL CODE CHAPTER 2.05 FOR THE  
2022 CALENDAR YEAR AND THEREAFTER; REPLACING RESOLUTION 2019-02**

**WHEREAS**, the City of Lincoln City Municipal Code, Title 2, Chapter 2.05 (Public Contracting), Section 2.05.050 (City Manager Authority), delegates public contract authority to the City Manager and designated staff in accordance with the limits for Intermediate and Small Procurements set forth in the Attorney General Model Rules; and

**WHEREAS**, Section 2.05.050 specifically authorizes the City Council to limit, condition or restrict the delegation to the City Manager by Resolution; and

**WHEREAS**, Section 2.05.050 further authorizes the City Council to identify by Resolution "Designated Staff" eligible to receive public contracting authority and further permits the City Manager to limit, condition or restrict the delegation to the Designated Staff by Written Order; and

**WHEREAS**, this Resolution replaces Resolution 2019-02 and reflects all Departments with delegated contract authority.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:**

**Section 1. Recitals.** The recitals set forth above are true and correct and incorporated herein by this reference.

**Section 2. Delegation to City Manager.** The delegation of contract authority to the City Manager in LCMC 2.05.050 is hereby subject to the following limitations, conditions and restrictions:

1. **Monetary cap:** Notwithstanding the authorized limits specified for intermediate Procurement or as otherwise designated in LCMC 2.05.050, the City Manager's

1 authority for calendar year 2022 and thereafter is limited to seventy-five percent  
2 (75%) of the applicable Attorney General Model Contracting Rules limit specified  
3 in LCMC 2.05,050, including but not limited to the following:

- 4
- 5 a. Personal & Professional Services: \$75,000.
  - 6 b. Public Improvements: \$75,000.
  - 7 c. Materials and Trade Services: \$112,500.
- 8

9 The delegated authority in this Section does not alter the exemptions to, and  
10 thresholds for triggering competitive solicitation.

- 11
- 12 2. **Legal review:** When Procurement includes a contract, the contract shall be in a  
13 standard approved city form or the contract shall be reviewed and approved as  
14 to form by the City Attorney. Contracts include all change orders and other  
15 amendments. Failure to follow established public contract procedures results in  
16 the proposed contract being void and unauthorized. *Yasnoff v. Hallick*, 155 Or. App.  
17 474 (1998).
- 18
- 19 3. **Legally available funds:** The purchase order system shall include an  
20 identification of the line item(s) or account numbers(s) where legally available  
21 funds are budgeted for the project. If restricted funds are used (such as grant or  
22 bond funds) the purchase order system shall identify the restricted source of the  
23 funds.
- 24
- 25 4. **Non-Appropriation:** A contract which crosses budget years or exceeds one  
26 year in length shall include a non-appropriation clause. (Example: *"In the event*  
27 *sufficient budgeted funds are not available for a new fiscal period, the City must*  
28 *notify the Recipient of such occurrence and this agreement shall terminate on the*  
29 *last day of the current fiscal period without penalty or expense to the City."*)
- 30
- 31 5. **Routing Sheet:** As a procedural safeguard and financial check, all contracts,  
32 including amendments and change orders shall be routed pursuant to a standard  
33 routing sheet – standard form of which will be prepared by the Finance  
34 Department. Routing shall include signatures for initiating staff, responsible  
35 department head, finance, legal, and city manager, as appropriate.

1 6. **Activity Report:** A report to Council shall be prepared by the City Manager prior  
2 to the end of each fiscal year listing all intermediate procurements and contracts  
3 above \$25,000, entered into pursuant to the delegation of contracting authority  
4 pursuant to LCMC 2.05.050.

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6 **Section 3. Identification of Designated Staff.** City employee positions delegated  
7 contract authority pursuant to LCMC 2.05.050 are identified as follows:

- 8  
9 A. Finance Director  
10 B. Public Works Director  
11 C. Planning Director  
12 D. Urban Renewal Director  
13 E. Chief of Police  
14 F. Human Resource Director  
15 G. City Attorney  
16 H. VCB (Explore Lincoln City) Director  
17 I. Library Director  
18 J. Parks and Recreation Director  
19 K. IT Director  
20 L. Other City staff designated by Written Order of the City Manager

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22 The authority granted to Department heads and Designated Staff above is the financial  
23 limits of Small Procurements.

24  
25 **Section 4. Delegation to Designated Staff.** The delegation of contract authority to  
26 the Designated Staff identified above is subject to limitation by Written Order of the City  
27 Manager, if any.

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29 **Section 5. Effective Date.** This resolution shall take effect immediately upon its  
30 passage and remain effective until replaced.


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32 **Section 6.** Resolution 2019-02 is replaced by this Resolution and shall not be effective  
33 after January 24, 2022.

1 **PASSED AND ADOPTED** by the City Council of the City of Lincoln City this 24th day of  
2 January, 2022

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6 \_\_\_\_\_  
7 SUSAN WAHLKE, MAYOR

8 ATTEST:

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11 \_\_\_\_\_  
12 JAMIE YOUNG, CITY RECORDER

  
APPROVED AS TO FORM:  
\_\_\_\_\_  
Richard Appicello, City Attorney