

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENIFEE,
CALIFORNIA, AMENDING SECTION 3.12.090 OF THE MENIFEE MUNICIPAL
CODE TO UPDATE THE THRESHOLD OF THE CITY MANAGER'S SIGNING
AUTHORITY FOR CONSTRUCTION CONTRACT CHANGE ORDERS**

WHEREAS, at the September 15, 2021 City Council meeting, City Council authorized staff to revise the Menifee Municipal Code, authorizing the City Manager to execute construction contract(s) change orders in increments up to \$50,000; provided, the aggregate amount of all changes to a particular contract, including the change order under consideration, does not exceed 10% of the original contract cost; and

WHEREAS, by doing so, necessary unforeseen construction change order work can be approved expeditiously to lessen any project completion delays and/or mitigate any additional costs resulting from project timeline delays; and

WHEREAS, the proposed revision to the change order threshold in the Menifee Municipal Code will not apply to non-professional services and/or professional service contracts; and

WHEREAS, all change orders, including construction contract change orders, will be reviewed and vetted for need and cost reasonability before approval.

NOW, THEREFORE, the City Council of the City of Menifee, California does ordain as follows:

Section 1. Menifee Municipal Code Section 3.12.090 Change Orders, is repealed in its entirety and replaced as set forth in Exhibit A, attached hereto and incorporated herein in full, to reflect the increased construction contract change of \$50,000 increment threshold.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 4. Effective Date. This ordinance shall take effect 30 days from the date of its adoption.

Section 5. Notice of Adoption. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall cause to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, cause this Ordinance to be published in a manner required by law using the alternative summary and posting procedure authorized under Government Code Section 36933(c).

This Ordinance was introduced and read on the 17TH day of APRIL, 2024 and **APPROVED AND ADOPTED** this 1ST of MAY, 2024.

Bill Zimmerman, Mayor

Attest:

Stephanie Roseen, Acting City Clerk

Approved as to form:

Jeffrey T. Melching, City Attorney

EXHIBIT A

TITLE 3: REVENUE AND FINANCE

CHAPTER 3.12 PURCHASING

§ 3.12.090 CHANGE ORDERS.

Following the award of a contract or issuance of a purchase order for materials, supplies, equipment, services or construction contracts, the contract or purchase order may be amended by the issuance of a change order, provided the change which is the subject of amendment is reasonably related to the scope of the original contract. The Purchasing Officer will maintain control relative to the scoping, estimating and negotiating of the proposed change(s) and the Director of Finance will certify the availability of funds for the proposed change in the event that the change order increases the contract cost. On a regular basis, a report will be submitted to the City Council outlining all change orders that have been issued to contracts governed by this chapter during the reporting period. Any non-professional services or professional service contract change order with a total cost in the amount of \$25,000 or less may be approved by the Purchasing Officer; provided, the aggregate amount of all changes to a particular non-professional services or professional service contract, including the change order under consideration, does not exceed 10% of the original contract cost. Any non-professional services or professional service contract change order in an amount greater than \$25,000 or any non-professional services or professional service contract change order which, when considered with the aggregate amount of all other changes to a non-professional services or professional service contract, exceeds 10% of the original contract cost, shall be approved by the City Council. Further, any construction contract change order with a total cost in the amount of \$50,000 or less may be approved by the Purchasing Officer; provided, the aggregate amount of all changes to a particular construction contract, including the change order under consideration, does not exceed 10% of the original contract cost. Any construction contract change order in an amount greater than \$50,000 or any construction contract change order which, when considered with the aggregate amount of all other changes to a construction contract, exceeds 10% of the original contract cost, shall be approved by the City Council. Any time extension of the performance deadline up to a total of 60 days may be approved by the Purchasing Officer. Any time extension of a performance deadline that exceeds 60 days shall be approved by the City Council. If a proposed contract modification, change order or request for extra work exceeds the limitations imposed upon the Purchasing Officer by this section or by resolution, and any extended delay in obtaining City Council approval is reasonably determined to subject the city to liability for damages incurred by a contractor, or to jeopardize the public health, welfare or safety, or to otherwise result in potential detriment to the city, then the Purchasing Officer shall have authority to exceed the dollar amounts or percentage limitations specified herein. All contract modifications shall be subject to approval as to form by the City Attorney.