

CITY OF EUREKA

Category: ADMINISTRATION

POLICIES & PROCEDURES

Subject: CONTRACTS AND  
AGREEMENTS – APPROVAL  
AND FILING

Date Adopted: January 1, 1976

File 1.63

Date Revised: July 17, 2012

Number

### POLICY OBJECTIVE

To insure that all contracts, agreements, conveyances or other transactions are approved by the appropriate City personnel as required by the City's Charter and Code prior to being placed on the agenda for the City Council and that the original document is archived for future reference.

### ASSIGNED RESPONSIBILITY

All department heads.

### APPLICABILITY

All contracts, agreements, conveyances or other transactions.

A "contract" is defined as an agreement between two or more persons or parties which creates an obligation to do or not to do a particular thing.

An "agreement" is defined as an understanding and intention between two or more parties with respect to the effect upon their relative rights and duties, of certain past or future facts or performances.

A "conveyance" is defined as a transfer or delivery to another such as a transfer of title to land from one to another.

A "transaction" is defined as negotiations which have been either wholly or partly brought to a conclusion and may involve selling, leasing, borrowing, mortgaging or lending.

### PROCEDURES

All contracts, agreements, conveyances or other transactions entered into by the City must be in writing. The following procedures must be followed before the writing can be enforced against the City.

#### As to the City Manager:

1. All contracts, agreements, conveyances or other transactions made or entered into by the City with less than a \$50,000 aggregate value shall be signed by the City Manager.

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2. The City Manager may designate the Assistant City Manager or a Department Head to sign the document on the City's behalf. Such designation must be in writing and signed by the City Manager and the Designee and attested to by the City Clerk.

3. No other City Staff shall have the authority to sign any document on behalf of the City. Only those documents signed by the City Manager or his/her Designee shall be binding against the City.

4. In addition, all written contracts, agreements, conveyances or other transactions made or entered into by the City with an aggregate value of \$50,000 or more, shall also be signed by the Mayor, or whomever the City Council designates when it takes action authorizing execution of the contract or conveyance.

As to the City Attorney:

1. All contracts, agreements, conveyances or other transactions shall be approved as to form by the City Attorney prior to being placed on the City Council agenda.

2. All necessary information should be submitted to the City Attorney at least two weeks prior to the City Council meeting date.

3. The City Attorney shall approve, as to form, all official and other bonds given to or for the benefit of said City.

4. No contract shall become enforceable as against the City without the endorsement thereon of the City Attorney's approval as required by the City's Charter.

As to the City Clerk:

1. The City Clerk shall sign certification of authenticity and similar attestations bearing the official seal of the City of Eureka.

Filing:

All original contracts, agreements, conveyances or other transactions are to be filed with the City Clerk's office after approval and all signatures are secured. All original documents shall be submitted with a cover page (exhibit A) that includes the agreement title, names of parties, parties contact information, effective date, termination date and type of agreement.

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**CITY OF EUREKA  
CITY CLERK  
AGREEMENT/CONTRACT COVER PAGE**

*Please complete the following information regarding the agreement, contract, or conveyance with the City Clerk's office. This information is necessary to ensure the proper filing and retention of the agreement or contract.*

**DEPARTMENT NAME:** \_\_\_\_\_ **CONTACT NAME:** \_\_\_\_\_

**AGREEMENT/CONTRACT TITLE:** \_\_\_\_\_  
\_\_\_\_\_

**THIS IS AN AGREEMENT BETWEEN THE CITY OF EUREKA AND:** \_\_\_\_\_  
\_\_\_\_\_

**AGREEMENT START DATE:** \_\_\_\_\_

**AGREEMENT TERMINATION DATE:** \_\_\_\_\_

**DOES THIS AGREEMENT/CONTRACT PERTAIN TO A CAPITAL PROJECT?** \_\_\_\_\_

**NAME OF CAPTIAL PROJECT:** \_\_\_\_\_

**AMENDMENTS**

**NAME OF EXISTING AGREEMENT:** \_\_\_\_\_

**AMENDMENT NO.** \_\_\_\_\_

**SPECIAL INSTRUCTIONS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_