

RESOLUTION NO. 2003- 163 R

**A resolution authorizing the City Manager to terminate contracts and leases of the City of Victoria, conditioned upon the approval of any termination by the City Attorney and the City's Director of Finance; and declaring an effective date.**

On August 21, 2001, the City Council authorized the City Manager to execute (1) contracts other than for the purchase of insurance in amounts not to exceed \$25,000.00, (2) insurance contracts in an amount not to exceed \$5,000.00, (3) documents necessary to transfer City-owned personal property for amounts of not less than the market value of said property, and (4) documents necessary to accept deeds of real property and interests therein, conditioned upon the prior budgeting of funds to fully pay for any contract requiring an expenditure by the City and the approval of any transaction by the City Attorney and City's Director of Finance;

The City Council finds that authorizing the City Manager to terminate contracts and leases will comply with Article III, Section 8 of the Charter of the City of Victoria and the other provisions of the City Charter and the laws of the State of Texas;

The City Council finds that authorizing the City Manager to terminate contracts and leases in the aforementioned sums will comply with Article III, Section 7 of the City Charter, which provides "the City Attorney shall inspect and pass upon all papers, documents, contracts, and other legal instruments in which the city may have an interest," provided that the City Manager is limited to executing only those contracts that have been previously approved by the City Attorney;

**THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:**

1.

~~The City Manager is authorized to terminate any contracts and leases of the City of Victoria with Texas Southern, Inc. and/or Boyd Deters d/b/a Coastal Business Services and any assignees thereof, and further is authorized to terminate any leases of property at or adjacent to the City's reservoirs. ~~conditioned upon the prior budgeting of funds to pay for the expected cost of any contract termination costs, and the approval of any termination by the City Attorney and City's Director of Finance. This termination authority shall be effective regardless of whether the City is contracting to buy or sell property or services, is the lessor or lessee of real or personal property, or is contracting for any other purpose.~~~~

2.

~~The City Attorney shall notify the City Council of the expected legal effects of any such contract termination, however, in the event that no such notification is made, the contract termination shall still be valid.~~

2.

**This resolution shall become effective immediately upon adoption.**

PASSED, this the 21<sup>st</sup> day of October, 2003.

AYES: **6**

NAYS: **0**

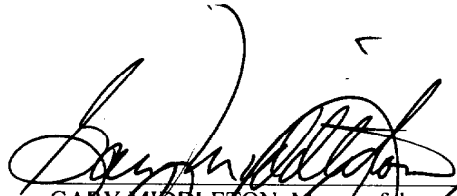
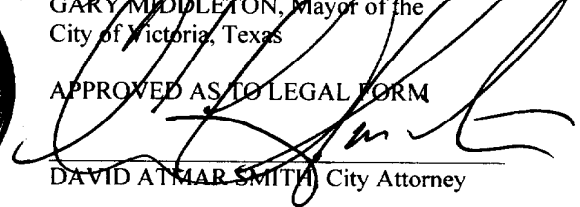
ABSTENTIONS: **0**

APPROVED AND ADOPTED, this the 21<sup>st</sup> day of October, 2003.

ATTEST:

  
SCARLET SWOBODA, City Secretary



  
GARY MIDDLETON, Mayor of the City of Victoria, Texas  
  
APPROVED AS TO LEGAL FORM  
DAVID ATMAR SMITH, City Attorney

Distribution: Legal Department  
Finance Department  
Utility Billing Office

Copies Sent: October 23, 2003