

**REGULAR**

**9**

**NUMBER: 26.4**

**TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS AMENDING CHAPTER 12 OF TITLE I OF THE MILPITAS MUNICIPAL CODE RELATING TO CITY EXPENDITURE RATIFICATION PROCESS**

**HISTORY:** This Ordinance was introduced (first reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_ and was adopted (second reading) by the City Council at its meeting of \_\_\_\_\_, upon motion by \_\_\_\_\_. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

\_\_\_\_\_  
Mary Lavelle, City Clerk

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney

**RECITALS AND FINDINGS:**

**WHEREAS**, California Government Code Section 37208 provides general law cities flexibility in how budgeted warrants, demands, and payroll are audited and ratified by their legislative body; and

**WHEREAS**, Chapter 12 of Title I of the Milpitas Municipal Code will be amended to allow budgeted payrolls and demands paid by warrants or checks to be presented to the City Council for ratification and approval in the form of an audited and Comprehensive Annual Financial Report in accordance with California Government Code Section 37208; and

**WHEREAS**, the amendments set forth below will provide additional flexibility for the City of Milpitas to ratify City expenditures as provided under State law.

**NOW, THEREFORE**, the City Council of the City of Milpitas does ordain as follows:

**SECTION 1. RECORD AND BASIS FOR ACTION**

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

**SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE SECTION 4.06 OF CHAPTER 12, TITLE I**

Section I-12-4.06 of the Milpitas Municipal Code is hereby repealed in its entirety and replaced with text below to read as follows:

**I-12-4.06 Submittal of Record of Expenditures to the City Council**

(a) Payroll register or checks need not be audited by the City Council prior to payment. Payroll register shall be presented to the City Council for ratification and approval at the first meeting after delivery of the payroll register or checks.

(b) Warrants or checks drawn in payment of demands certified or approved by the Director of Finance as conforming to a budget approved by ordinance or resolution of the City Council need not be audited by the City Council prior to payment.

(c) As an alternative to subsections (a) and (b) above, budgeted payrolls and demands paid by warrants or checks may be presented to the City Council for ratification and approval in the form of an audited comprehensive annual financial report or any other method authorized under State law.

**Deleted: I-12-4.06 . Submittal of the Payroll Register to the City Council**  
¶ The Payroll Register shall be submitted to the City Council at its first regular meeting of each month for approval of the same with respect to the preceding month.

**SECTION 3. SEVERABILITY**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

**SECTION 4. EFFECTIVE DATE AND POSTING**

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.