

CITY COUNCIL AGENDA ITEM NO. 1

Meeting Date: January 11, 2022

Subject/Title: An Ordinance amending City Council/Administrative Policy No. 10-13, Signature Authority, related to non-development related services under a deposit agreement, City Attorney and Director Signature authority sections and minor revisions for consistency

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PURPOSE & RECOMMENDATION

The purpose of the Signature Authority Policy (“Policy”) is to provide for the authority for City employees to enter into certain contracts, and to sign other documents on the City’s behalf. If this amendment is approved, among other things, the Policy will be updated to include authority for the City Manager to sign assumption and/or assignment agreements for existing agreements with third parties. In addition, the Policy would be updated to authorize the City Manager to sign non-development related deposit and indemnification agreements with third parties that require reimbursable work by City staff or consultants. In addition, City Manager authority to sign consultant and contractor agreements for up to \$250,000, whose costs would be reimbursed under these types of deposit and indemnification agreements, would be added to the Policy, as would bringing the City Manager’s authority to settle claims and litigation to \$50,000, the same amount as is currently authorized for contracts. Finally, clarification updates have been proposed to the Policy, including language regarding out of the box software agreements; and Department Director signature authority section, ensuring the section is in line with the City Manager authority regarding respective thresholds.

It is recommended that Council introduce and waive the first reading of an Ordinance amending City Council/Administrative Policy No. 10-13, Signature Authority.

CITY COUNCIL STRATEGIC INITIATIVE

Not applicable

PREVIOUS ACTION

From November 2006 to November 2018, the City Council adopted, amended and repealed various versions of the Signature Authority Policy No. 10-13.

On December 11, 2018, City Council waived the second reading and adopted Ordinance No. 1006 amending City Council/Administrative Policy No. 10-13, Signature Authority, related to development services under a deposit agreement; Real Property, Utilities, Letter of Support or Opposition, and Regulatory Reporting, updating the Grants and Emergency Sections; and restructuring the Policy for easier readability.

BACKGROUND

In November 2006, the City Council adopted a comprehensive signature authority policy that set forth the authority levels of employees that are approved to sign documents on behalf of the City. Since that time, the policy has been amended to authorize signature authority for various documents.

With regard to changes proposed by this amendment:

- Section 3.1.3, updated to add a new section granting authority for the City Manager to sign assumption and/or assignment agreements between the City and a third party for the terms and conditions of an existing agreement where no changes are being made that would require Council approval.
- Section 3.1.5, updated to move “Deposit and Indemnification Agreements; Development-Related” to its own section.
- Section 3.1.5.1, added to include clarifications on development-related deposit and indemnification agreements that requires reimbursement to City of expenses incurred during the processing of a development project.
- Section 3.1.6, updated to add “Deposit and Indemnification Agreements; Non-Development Related” into the Policy thereby renumbering 3.1.4 to 3.1.6 and each subsequent paragraph under Section 3 being renumbered sequentially.
- Section 3.1.6.1, added to include clarifications on non-development related deposit and indemnification agreements between the City and a third party, which require the reimbursement to City of expenses incurred for work undertaken by the City, or by City consultants and contractors.
- Section 3.1.6.2, added to include “Consultant and Contractor Agreements”; A contract for consultants and contractors in an amount up to \$250,000, if specific criteria is met.
- Section 3.1.7.4, added to allow the City Manager, in consultation with the City Attorney, the authority to reject and re-advertise bids for public works projects.
- Section 3.2.2, updated to increase thresholds for settlement of claims from \$25,000 to \$50,000, matching the current signature authority for contracts.
- Section 4.1, clarifying changes to the City Attorney signature authority pertaining to pre-packaged, “Out of the Box” software.
- Section 5, updated to more closely match the intended Department Director authority which matches the City Manager authority for corresponding spending thresholds.
- The Policy was updated with minor revisions for consistency.

The amended Policy is consistent with the Policy currently in place and continues to allow the delegation of signature authority, per Section 1.3, Delegation, by notifying the Director of Finance and Information Systems and the City Attorney in writing.

In order to facilitate review of the updates, changes to the Policy have been displayed in red.

FISCAL IMPACT

The adoption of this Policy does not have a fiscal impact.

Attachments:

Signature Authority Policy 10-13 Ordinance 2021 Read 1

Exhibit "A" Signature Policy 10-13