CITY OF SANTA FE, NEW MEXICO

BILL NO. 2020-34

INTRODUCED BY:

Councilor Chris Rivera

Councilor Jamie Cassutt-Sanchez

AN ORDINANCE

AMENDING SECTION 2-4.6 SFCC 1987 TO ALLOW THE CITY MANAGER TO ENTER AGREEMENTS ACCEPTING FUNDS THAT ARE OFFERED TO THE CITY WITHOUT TIME TO PLACE THE AGREEMENTS ON THE NEXT SCHEDULED GOVERNING BODY MEETING, WITH RATIFICATION BY THE GOVERNING BODY AT THE NEXT SCHEDULED MEETING FOR WHICH THE DEADLINE TO INCLUDE THE MATTER ON AN AGENDA HAS NOT YET PASSED; AND AMENDING SECTION 11-4 TO ALLOW THE CITY MANAGER TO APPROVE GRANT APPLICATIONS, GRANT AWARDS, GRANT MATCH REQUIREMENTS, AND GRANT AGREEMENTS IN ANY AMOUNT IF THE DEADLINE TO APPROVE SUCH DOCUMENTS OCCURS BEFORE THE DEADLINE TO INCLUDE THE APPLICATION OR AWARD ON THE AGENDA FOR THE GOVERNING BODY'S NEXT REGULARLY SCHEDULED MEETING, WITH RATIFICATION BY THE GOVERNING BODY AT THE NEXT SCHEDULED MEETING FOR WHICH AN AGENDA HAS NOT YET BEEN POSTED.

underscored material = new [~~bracketed material~~] = delete

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 2-4.6 of SFCC 1987 (being Ord. No. 1954-3, § 3, as amended) is amended to read:

2-4 CITY MANAGER

2-4.6 Powers and duties of the city manager.

The city manager shall:

A. Be the chief administrator officer of the city, and be the contracting officer of the city, with the approval of the governing body. The city manager shall enter into or terminate the following types of contracts or agreements only with the express approval of the governing body. This does not change the city manager's authority already established in the city's procurement code.

(1) Memoranda of understanding (MOUs) with governmental entities, joint powers agreements (JPAs), or any other agreement or contract with a value that exceeds the authority given to the city manager under the city's procurement code. For the purposes of this provision governmental entity includes but is not limited to; counties, states, federal agencies, housing authorities, tribes or intergovernmental agencies;

(2) Agreements on land use issued that modify the terms of land use approvals made by the governing body or any other public decision-making body to whom the governing body has delegated some of its zoning and land use authority, or agreements on land use issues that deviate from the ordinances contained in Chapter 14 SFCC 1987 or any plans or agreements that have been approved under those ordinances except as may be authorized in Chapter 14 or by such agreement.

B. Have the authority to enter agreements seeking or accepting funds of any amount, when the deadline to seek or accept the funds occurs before the deadline to include

the agreement on the agenda for the governing body's next regularly scheduled meeting. Such agreements shall be subject to ratification by the governing body at the next scheduled meeting for which an agenda has not yet been posted.

[~~B~~]C. Employ and discharge all municipal employees in accordance with the city's personnel rules and regulations, collective bargaining agreements and other applicable policies and ordinances;

[~~C~~]D. Coordinate and supervise the activities and operations of the various departments established by the governing body within the city government, and efficiently manage the administrative affairs of the city;

[~~D~~]E. Carry out, expeditiously and efficiently, the programs and policies adopted by the governing body and cause to be enforced all ordinances and regulations adopted by the governing body;

[~~E~~]F. Attend all meetings of the governing body and of committees thereof, or send a delegate, and the city manager or delegate shall participate in the discussion of all matters pertaining to the administration of city affairs coming before the governing body or such committees, but the city manager or delegate shall not have the right to vote;

[~~F~~]G. Be responsible for the preparation of the annual budget;

[~~G~~]H. Keep the governing body informed of the financial condition and of the needs of the city and render reports with respect thereto and with respect to all other city affairs at such times and in such forms as may, from time to time, be prescribed by the governing body, accompanied by such recommendations as the city manager may deem advisable;

[~~H~~]I. Formulate and recommend to the mayor and city council the adoption of such measures as the city manager may, from time to time, deem necessary or advisable for the health, safety and welfare of the city and its inhabitants, or for the improvement of administrative or departmental functions and services;

[~~I~~]J. Make recommendations with respect to the purchase in behalf of the city departments of materials, supplies and equipment and supervise the making of such purchases when and in the manner authorized by the governing body;

[~~J~~]K. Ensure that the city's collective bargaining management team and the governing body hold a meeting in executive session for the purpose of broadly discussing issues of collective bargaining previous to the annual collective bargaining negotiations between the city and its bargaining units so as to empower the management team with the authority to negotiate in good faith; and

[~~K~~]L. May appoint a deputy city manager within sixty (60) days of being appointed city manager. Prior to the appointment of a deputy city manager, the city manager shall present a job description to the governing body for review and approval. The powers and duties designated to the deputy city manager shall not exceed the powers and duties of the city manager.

[~~L~~]M. Report to the governing body every six months regarding the organization of the city's departments and divisions.

Section 2. Section 11-4 of SFCC 1987 (being Code 1953, Sec. 2-66, as amended) is amended to read:

11-4 BUDGET ADJUSTMENTS.

When budget adjustments are needed during the fiscal year, the following procedures shall apply:

A. The finance director has the authority to approve budget increases or decreases in revenue or transfers-in or in expenditures, expenses or transfers-out, that reflect increases or decreases in the budget up to and including five thousand dollars ($5,000.00).

B. The city manager has the authority to approve budget increases or decreases in revenue or transfers-in or in expenditures, expenses or transfers-out, that reflect increases

or decreases in the budget up to and including sixty thousand dollars ($60,000.00).

C. The governing body shall approve budget increases or decreases in revenue or transfers-in or in expenditures, expenses or transfers-out, that reflect increases or decreases in the budget that are over sixty thousand dollars ($60,000.00).

D. Budget adjustments approved by the finance director, city manager, and the governing body shall be included by fund in a quarterly budget resolution approved by the governing body.

E. Budget adjustment requests will conform to the rules and regulations adopted by the local government division of the department of finance and administration.

F. For budgets associated with grants and grant agreements, the following shall apply:

(1) The finance director may approve grant applications, grant awards, grant match requirements, and agreements up to and including five thousand dollars ($5,000.00).

(2) The city manager may approve grant applications, grant awards, grant match requirements, and grant agreements up to and including sixty thousand dollars ($60,000.00), or in any amount if the deadline to approve grant applications, grant awards, grant match requirements, or grant agreements occurs before the deadline to include the application or award on the agenda for the governing body's next regularly scheduled meeting, in which case the application or award shall be subject to ratification by the governing body at the next scheduled meeting for which an agenda has not yet been posted.

(3) The city manager may approve budget revenue and related expenditure/expense increases exceeding sixty thousand dollars ($60,000.00) (including budget adjustments or decreases, as applicable), for grants provided that all

of the following conditions are met:

(a) The governing body has already approved the grant application including the recommended match (if applicable), unless the deadline to seek or accept the funds occurs before the deadline to include the agreement on the agenda for the governing body's next regularly scheduled meeting, in which case the agreement shall be subject to ratification by the governing body at the next scheduled meeting for which an agenda has not yet been posted; and

(b) The final grant award does not significantly differ from the grant application in the amount, match, requirements, or other requirements on the part of the city; and

(4) Any city department receiving a grant shall submit a copy of the final award agreement and documentation for the grant to the finance department for financial tracking, reporting and auditing purposes.

G. Unspent amounts from multi-year grants and capital projects that the governing body approved in the prior fiscal year may be appropriated in the following fiscal year if the department administering the grant or capital project requests, and the finance director approves, such an appropriation. The appropriation shall be the entire remaining balance and it shall be budgeted for the same purpose and project that were approved by the governing body during the prior fiscal year. The finance department shall include such amounts in a quarterly budget resolution for review and approval of the governing body.

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2020/Bills/City Manager Grant Authority