



## Request for City Council Committee Action From the Finance Department

Date: November 12, 2003  
To: Intergovernmental Relations Committee  
Referral to: Ways and Means/Budget Committee

**Subject: Charter amendment relating to contracting procedures**

### Recommendation

Amend the City Charter to remove the Mayor and City Clerk signatures from City contracts; allow the Finance Officer to designate up to two persons to sign contracts on behalf of the Finance Officer and to establish administrative procedures necessary for the management of City contracts.

### Previous Directives

None.

Prepared or Submitted by Patrick P. Born, Finance Officer (673-3375)

Approved by: Patrick Born, City Finance Officer \_\_\_\_\_

Presenters in Committee: Patrick Born, Finance Officer or Jay Heffern, City Attorney

### Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.  
(If checked, go directly to Background/Supporting Information)

- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

### Community Impact (use any categories that apply)

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

Not applicable

## **Background/Supporting Information Attached**

The proposed form of the Charter amendment is attached.

PROPOSED CHARTER AMENDMENTS  
BY Johnson

Amending the Minneapolis City Charter pursuant to Minnesota Statutes §410.12, Subd. 7, relating to city contracting in four chapters of the Charter.

The City Council of The City of Minneapolis do ordain as follows:

**Section 1. That Chapter 3, Section 1 of said Charter be amended to remove the requirement that the Mayor sign all city contracts and to read as follows:**

Section 1. Powers and Duties of Mayor.

The Mayor shall take care that the laws of the State and the ordinances of the City are duly observed and enforced within the City. The Mayor shall take care that all other officers of the City discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action against any delinquent City officer.

The Mayor shall address the City Council annually on the state of the City proposing therein plans and programs for the physical and economic development of the City. The Mayor shall make recommendations for legislation and other actions would assist in such physical and economic development of the City and shall from time to time give the City Council such information and recommend such measure(s) as may be deemed advantageous to the City.

As part of the State of the City message, the Mayor shall set forth the goals the City should accomplish in the fiscal year that begins on January 1<sup>st</sup> of the next calendar year. The City Council shall review the proposed goals, make any desired amendments thereto, and approve them prior to the Mayor's budget submission to the City Council for the following fiscal year as directed in Chapter 5, section 8, of the Charter.

All ordinances, resolutions and other action of the City Council, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor, and if (the Mayor) approves thereof, the Mayor shall sign the same, and such as shall not be signed, the Mayor shall return to the City Council, with his or her objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at their next meeting thereafter. Upon the return of any ordinance, resolution or other action of the City Council by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution or other action of the City Council shall not be returned by the Mayor within five days, Sundays excepted, after it shall be presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor.

~~The Mayor or one (1) person designated in writing by the Mayor, said designation to be on file with the City Clerk and the City Attorney, under the Mayor's direction shall sign all contracts made for the City of Minneapolis, by authority of the City Council.~~

All ordinances, resolutions, and other actions of the Park and Recreation Board, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor, and if the Mayor approves thereof, the Mayor shall sign the same, and such as shall not be signed, the Mayor shall return to the Board, with his or her objections thereto, by depositing the same with the secretary of the Board, to be presented to the Board at their next meeting thereafter. Upon the return of any ordinance, resolution, or other action of the Board by

the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the Board shall pass the same by a vote of two-thirds of the members of the Board, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution, or other action of the Board shall not be returned by the Mayor within five (5) days, Sundays excepted, after it shall be presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. The Mayor may call special meetings of the Park and Recreation Board by notice to each of the members, to be delivered personally or left at their usual places of abode. At such special meeting no other business shall be transacted than such as its designated in the call.

Notwithstanding any provisions of the Minneapolis City Charter and Minnesota Statutes 422A.02 and 423.72 to the contrary, whenever the Charter or said state laws provide that the Mayor be a member of any board, commission or department, the Mayor may appoint or designate a representative to serve in place of the Mayor on such board, commission or department for a term of office not to exceed the Mayor's own term. Such representatives shall be citizens of the state and residents of the City.

**Section 2. That Chapter 3, Section 5 of said Charter be amended to remove the requirement that the City Clerk sign all orders on the Finance Officer and to read as follows:**

Section 5. City Clerk-Election-Duties. There shall be a clerk of said City, styled the "City Clerk," who shall be elected by the City Council.

The Clerk shall keep the corporate seal and all the papers and records of the City, and keep a record of the proceedings of the City Council, at whose meetings it shall be the Clerk's duty to attend.

Copies of all papers filed in the Clerk's office and transcripts from the records of the City Council certified by the Clerk under the corporate seal shall be evidence in all courts the same as if the originals were produced.

~~The Clerk shall draw and sign all orders on the Finance Officer in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose.~~

The Clerk shall have power to administer oaths and affirmations and shall perform all other services by law required of clerks of cities or townships, within said City.

The Clerk shall pay into the city treasury, upon the last day of each month, all fees and moneys, allowed by public law and collected by the Clerk during that month, and shall hold office for the term of two (2) years, beginning with the day such person is qualified as clerk.

The Clerk may, by and with the consent of the City Council, employ such clerical and other staff as may be necessary.

**Section 3. That Chapter 3, Section 11 of said Charter, relative to the powers and duties of the Finance Officer be amended to read as follows:**

**Section 11. Finance Officer-Powers and Duties-Assistant Finance Officer.** Pursuant to, and subject to the limitations of, Minnesota laws of 1983, Chapter 160, the City Council may, by ordinance, provide the manner of appointment and prescribe the functions, duties and responsibilities of the Finance Officer. The Council may also designate by such

ordinance a title for the Finance Officer. Except as is or may be otherwise provided by any such ordinance or by the aforementioned statute, the Finance Officer shall have all the powers, duties, functions, responsibilities, and ex officio positions heretofore vested by charter or statute in the Comptroller-Treasurer of the City. It shall be the duty of the Finance Officer to keep regular books of account, both of the City of Minneapolis and of the several boards of said City, in which the Finance Officer shall enter all indebtedness of said City, and which shall at all times show the precise financial condition of the City and of said several boards, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding, and the redemption of the same when redeemed.

The Finance Officer may, by and with the consent of the City Council, appoint an Assistant Finance Officer who shall assist in the duties of the office and act as Finance Officer in the absence or in case of the inability of the Finance Officer. ~~to act. The Finance Officer may from time to time designate in writing a person regularly employed in the office to act as Finance Officer in the event of the simultaneous absence or inability to act of both the Finance Officer and assistant Finance Officer.~~

**Section 4. That Chapter 3, Section 16 of said Charter be deleted and replaced with a new Section 16 relative to City contracts to read as follows:**

~~**Section 16. Finance Officer To Countersigned Contracts.** The Finance Officer shall countersign all contracts made in behalf of said City, and no such contract shall be valid until so countersigned. The Finance Officer shall keep a book and shall enter all contracts, which shall be open to the inspection of all parties interested in the book. The Finance Officer shall not, directly or indirectly, be interested in any contract or job to which the City or any board thereof is a party.~~

**Section 16. Finance Officer - Execution of City Contracts.**

The Finance Officer shall sign all bond documents and documents conveying City interest in real estate. The Finance Officer shall sign all City contracts except for those contracts of limited amount and limited terms delegated by the City Council to be signed by a particular designee. The Finance Officer may designate up to two persons regularly employed in the office to sign City contracts on behalf of the Finance Officer one of whom shall be the Purchasing Agent. The designees shall have the same authority to sign City contracts as the Finance Officer, except for bond and real estate conveyancing documents.

The Purchasing Agent, also called the Director of Procurement, shall have the authority to sign all contracts, orders or other documents required to be signed by the City's Purchasing Agent by Charter, law, ordinance or rule. The Finance Officer shall cause to be kept all records of all City contract documents, including the authority to enter into a contract and any other records he deems necessary. The Finance Officer may establish those administrative procedures, as he necessary for the management of City contracts.

**Section 5. That Chapter 4 be amended relative to powers of the City Council to add a new section 25 to read as follows:**

**"Section 25. Council may delegate its Power to Contract.**

The City Council may delegate by resolution the power to make and execute contracts on behalf of the City to certain persons or to certain position titles within the City. The delegated authority to make and execute contracts on behalf of the City shall be only for contracts of a limited dollar amount and a limited term as approved by the City Council. All contracts made under the authority of this section shall be in a written form approved by the City Attorney.

**Section 6. That Chapter 5 relative to Taxation and Finance be amended by amending Section 24 to read as follows:**

**"Section 24. ~~City Orders~~ When Issued Payment of City obligations**

No money shall be paid out of the City Treasury, except for principal or interest of bonds, unless such payment shall be authorized by ~~a vote of the City Council, and shall then be drawn out only upon orders signed by the Mayor and Clerk and countersigned by the Finance Officer, which orders shall specify the purpose for which they were drawn, and the funds out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the City Council may determine.~~ Provided that The City Council may provide by ordinance for the payment of all employees of said City, which are paid by order of the City Council, on payrolls, to be prepared as directed by said ordinance, by heads of departments or otherwise, audited by the City Finance Officer, ordered paid by said City Council, after so being audited, and paid by the City Finance Officer which payrolls shall be retained by said Finance Officer, ~~along with cancelled checks for the sum totals of such payrolls.~~ And also, further provided, that when any of the several boards of said City shall by resolution request the City Finance Officer to pay the respective regular employees on payrolls of the board making such request, in a similar manner as above named for paying employees who are paid by order of the City Council, then said City Finance Officer shall pay the respective regular employees of such Board so requesting the same on such payrolls.