


FOR COUNCIL MEETING OF: November 19, 2007

AGENDA ITEM NO: 4 (c) _____

TO: MAYOR AND CITY COUNCIL
FROM:  ROBERT G. WELLS, CITY MANAGER
SUBJECT: CITY OF SALEM DELEGATION OF AUTHORITY

ISSUE

Should the City Council approve Resolution No. 2007-111 authorizing the City Manager to execute and approve certain amendments and documents related to the operations of the City of Salem?

RECOMMENDATION

Staff recommends the City Council approve Resolution No. 2007-111 authorizing the City Manager to execute and approve certain amendments and documents related to the operations of the City of Salem.

BACKGROUND

In the course of City of Salem (City) operations, agreements entered into by the City must occasionally be amended and related documents must be created. Many of these amendments and documents are required either for performance of the agreements or by changing circumstances and do not materially alter the terms and conditions of the agreements.

FACTS AND FINDINGS

Absent specific delegation, the City Council must review and approve all agreements, amendments, and related documents that the City desires to execute and enter into. In order to respond quickly and efficiently to the contracting needs of the City, its contracting partners, and the public, the City Council should approve Resolution No. 2007-111 authorizing the City Manager to execute minor amendments and related documents.

If the City Council approves Resolution No. 2007-111, the City Council will retain authority to execute and approve amendments and documents that materially alter performance by the City and its contracting parties, result in additional financial burdens to the City, or fundamentally alter public benefits provided by agreements entered into by the City.

Report Prepared by: Philip T. Morris, Contract Administrator
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RESOLUTION NO. 2007-111

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND APPROVE CERTAIN AMENDMENTS AND DOCUMENTS RELATED TO THE OPERATIONS OF THE CITY OF SALEM.

Whereas, the City Council of the City of Salem (the "City Council"), absent specific delegation, must review and approve all agreements, amendments, and related documents which the City desires to execute and enter into; and

Whereas, the City Council desires to provide an efficient means of the performance of the terms and conditions of agreements entered into between the City, including but not limited to, real estate purchase and sales agreements and grant agreements, and expeditious means to review, approve and execute minor amendments to such agreements that do not alter the material terms and conditions of the agreements; and

Whereas, the City Council further desires to delegate such authority to the City Manager as is necessary to fill such role and no such delegation of authority to execute such documents generally has been made;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM RESOLVES AS FOLLOWS:

Section 1. In order to increase efficiency in the performance of the terms and conditions of agreements entered into by the City of Salem, the City Council hereby delegates to the City Manager the following authority:

(a) The authority to execute amendments to agreements entered into by the City of Salem, including, but not limited to, real estate purchase and sales agreements and grant agreements, provided that the amendment does not alter a material term or condition of the agreement, and such execution is not otherwise prohibited by law. As used in this Resolution, a term or condition is "material" if it would alter the course of performance by the parties in a way that would have been unanticipated at the time the agreement was first approved by the City Council, would result in additional financial burdens for the City of Salem, or would fundamentally alter the public benefit that is being provided by or through the agreement; and

(b) The authority to approve such other documents as may be related to, or required as part of, the performance of the terms and conditions of such agreements, provided the approval authority for such other documents is not specifically retained by the City Council in the terms and conditions of such agreement.

Section 2. The City Manager shall include a notation of any amendments made or documents

approved, pursuant to Section 1 of this Resolution on the regular report of contracts approved administratively.

Section 3. The authority conferred by this Resolution is in addition to, and not in lieu of, or in derogation of, any authority conferred upon City Manager by the Public Contracting Rules of the City of Salem.


Section 4. The City Manager may delegate in writing the authority conferred by this Resolution to the Assistant City Manager or any Department Head, as may be necessary for the operations of the City, provided, however, that each person so designated shall be responsible to ensure compliance with this Resolution.

Section 5. This resolution is effective upon adoption.

ADOPTED by the Council this ____ day of _____, 2007.

ATTEST:

City Recorder

Approved by City Attorney:  _____