

To: Honorable Mayor Napier and Members of the West St. Paul City Council

From: Kori Land, City Attorney

Through: Nate Burkett, City Manager

Cc: Chair Doug Fromm

Date: January 10, 2022

Subject: Proposed Charter Amendments to Sections 3.07, 6.05, 6.06 and 7.09

The Charter Commission met on September 28, 2021 and discussed several sections of the City Charter that could be amended. The discussion was general in nature as no proposed amendments were before them. The Commission directed our office to prepare ordinance amendments for certain sections to be considered at its next meeting scheduled for February 17, 2022. Since Charter Amendments require unanimous consent of the Council, it was felt that bringing the amendments to the Council for discussion prior to the Charter Commission meeting would be beneficial. Each Charter section is discussed below.

Section 3.07

This Section requires an audible reading of council resolution prior to a vote unless there is a motion to dispense with this requirement. Most council actions have a written resolution in the Council packet and verbal resolutions are articulated into the record before action.

- The Commission suggested that this section could be repealed.

Section 6.05

This Section limits the City Manager's spending to \$25,000, without requiring Council approval and the Mayor/Manager signature.

Section 6.05. Purchases and Contracts. The City Manager shall be the chief purchasing agent of the City. All City purchases and contracts shall be made and signed by the City Manager when the amount of the purchase or contract does not exceed \$25,000. All purchases and contracts that exceed \$25,000 shall be approved by the Council, after the recommendation of the City Manager has first been obtained, and shall be signed by the Mayor and the City Manager on behalf of the City.

Recognizing that the City Manager cannot spend any funds outside of the City's authorized budget, this requirement can delay purchasing goods or services or signing contracts until a Council meeting can occur.

- The Commission directed an amendment increasing the spending limit to \$50,000.

Section 6.06

This section restricts the public bidding statute and requires the City to bid all contracts for supplies, materials and equipment for any contract that will be more than \$50,000. Minn. Stat. §471.345 has a threshold of \$175,000 before public bidding is required. With such a low minimum, public bidding can cause project delay and additional expense. State law still requires the City to obtain at least 2 quotes for all contracts that range from \$25,000 to \$175,000. Any contracts less than \$25,000 may be purchased on the open market.

- The Commission agreed that the public bidding threshold could be increased to \$175,000.

Section 7.09

This Section requires prior Council approval before any bills can be paid. While the City is obligated to pay all bills within 30 days, there are times that invoices must be paid in order to receive certain goods and services but prior to a Council meeting. Again, recognizing that purchases are made within pursuant to an authorized budget, the payment of the invoice is ceremonial.

- The Commission recommended adding flexibility for the City Manager to pay claims in advance of a Council meeting if necessary, which can then be ratified by the Council.

The Charter Commission will consider the ordinance amendments at its meeting on Feb. 17, 2022. However, recognizing that Charter Amendments require unanimous consent of the Council, if any of the amendments give the Council pause or it is clear from the discussion that the Council will not support them, then the Charter Commission will be made aware of the Council's anticipated inclination at its meeting.

Please discuss the amendments and offer input and direction, which will be shared with the Commission.