



Legislation Text

File #: 20-018, **Version:** 1

A Resolution Recognizing the Mayor's Authority to Execute All Intergovernmental Agreements Related to Colorado Department of Transportation Grant Applications and Execution Documents

Presenter:

Charae McDaniel, Chief Financial Officer

Summary:

The attached resolution recognizes the authority of the Mayor under City Charter to approve Colorado Department of Transportation (CDOT) grant agreements, which come in the form of intergovernmental agreements (IGAs), without additional approval by City Council.

Background:

In 2010, voters approved wholesale amendments to the Colorado Springs City Charter, changing the City's form of government to a Council-Mayor form of government. Under this form of government, the duties and responsibilities of the legislative and executive/ administrative branches of government are separated and balanced between a nine-member elected City Council (City Charter § 3-10(a)) and an elected Mayor (City Charter § 3-10(b) and 4-10). One of the executive/administrative responsibilities of the Mayor is to contract on behalf of the City. City Charter § 4-10 and 4-40(g). For the contract to be valid and enforceable, there must be sufficient funds appropriated to discharge the City's liability under the contract. City Charter § 7-60. Appropriation is a legislative duty vested in the City Council. City Charter § 7-50 and 3-70(a).

In the context of grants, the Mayor has the authority to apply for and accept grants, and City Council has the authority to appropriate the accepted grant funds. Because the Mayor bears the ultimate "responsibility for the proper and effective administration of the City," the Mayor possesses the discretion to apply for grant funds to further operational, administrative, or executive purposes, and to enter into a grant agreement or contract awarding grant funds subject to certain terms and conditions. Council may appropriate grant funds as part of the annual budget and appropriation ordinance or as a supplemental appropriation during the fiscal year.

With respect to grants issued by the CDOT, the grant agreement takes the form of an IGA. C.R.S. § 29-1-203 permits Colorado governments to cooperate and contract with each other "only if such cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve." Because CDOT characterizes its grant agreement contract as an IGA, it is the opinion of the City Attorney's Office that the Mayor has independent authority to approve CDOT grant agreement IGAs under the statute without additional approval by City Council.

Previous Council Action:

This item was introduced at the January 13, 2020 City Council Work Session. At the Session, a

request was made for City Council to receive notice of when the Mayor approves CDOT IGAs. This language was added to the Resolution, which will be considered at the January 28, 2020 Regular City Council meeting.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

The City Council Budget Committee discussed this item at their December 10, 2019 meeting.

Stakeholder Process:

N/A

Alternatives:

N/A

Proposed Motion:

Move approval of the resolution recognizing the Mayor's authority to execute all Intergovernmental Agreements related to Colorado Department of Transportation grant applications and execution documents.

N/A