

**Memorandum**

To: Honorable Mayor Shetter and members of the Burleson City Council

From: Curtis E. Hawk, City Manager

Date: May 4, 2009

Subject: Resolution R-1153-09 Authorizing the City Manager or City Manager's Designee to Sign and Execute Contracts, Agreements, Orders, and Other Documents or Obligations Approved by City Council.

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**Council Action Requested:**

Approve Resolution R-1153-09 authorizing the City Manager or City Manager's Designee to sign and execute contracts, agreements, orders, and other documents or obligations approved by City Council.

**Background Information:**

From time-to-time the City's independent auditor or legal representatives of contractors, agencies, and companies the City of Burleson is doing business with will ask the City Secretary to produce documentation that the City Manager has been authorized to sign a particular contract, agreement, or other document. This requires the City Secretary's office to search the files for when the particular item was on a Council meeting agenda, and then provide a certified copy of the minutes of the agenda where the action was authorized.

Currently our practice has been to specifically list under the "Action Requested" rubric on the agenda item page (AIP) for a specific agenda item that the City Manager is authorized to sign the contract, etc. Article IV, Section 41 of the Charter provides that the City Manager is responsible for the proper administration of all City affairs. Article IV, Section 42 provides that the City Manager may designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager during the City Manager's temporary absence. Article VII of the Charter provides that the City Manager is responsible for the disbursement of monies, budget

appropriations, and approval of all contracts, orders, and other documents in which the City incurs financial obligations.

The exception is when we specifically request City Council to authorize the Mayor to sign a particular agreement. We usually ask the Mayor be authorized to sign interlocal agreements and contracts with other government agencies. Although it isn't required by the Charter, it also isn't prohibited. My preference is for the Mayor to sign such documents because it seems to be appropriate that the presiding member of the City Council execute official agreements with other governmental agencies.

The Charter in Article III Section 22 provides that "[t]he mayor is the recognized head of the city government for ceremonial purposes and by the governor for purposes of military law, but has no regular administrative duties." State law requires the Mayor to sign resolutions and ordinances of the Council, and the Mayor is recognized by the Governor of Texas as the official head of our emergency management function.

Approval of Resolution R-1153-09 will simplify the process and considerably reduce staff time when requests are made for documentation that the City Manager has been authorized to sign and execute a particular agreement. All that will be required is for the City Secretary to forward a copy of the resolution to the requestor. The only time we will specifically request permission to execute an agreement is when we want the Mayor to sign the agreement.

**Citizen Input:**

N/A

**Attachments:**

Resolution R-1153-09

**Staff Contacts:**

Curtis E. Hawk, City Manager, 817-447-5400 ext. 213

Amanda McCrory, City Secretary, ext 277

**Resolution R-1153-09**

**RESOLUTION AUTHORIZING CITY MANAGER OR CITY MANAGER'S DESIGNEE TO SIGN AND EXECUTE CONTRACTS, AGREEMENTS, ORDERS, AND OTHER DOCUMENTS OR OBLIGATIONS APPROVED BY THE CITY COUNCIL.**

WHEREAS, Article IV, Section 41 of the Home Rule Charter (Charter) of the City of Burleson, Texas provides that the City Manager is responsible for the proper administration of all City affairs; and

WHEREAS, the Charter in Article VII provides that the City Manager is responsible for the disbursement of monies, budget appropriations, and approval of all contracts, orders, and other documents in which the City incurs financial obligations; and

WHEREAS, the Charter in Article IV, Section 42 provides that the City Manager may designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager during the City Manager's temporary absence.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Burleson that the City Manager or the City Manager's designee is authorized to sign and execute all contracts, orders, or other instruments authorized by vote of the City Council.

Signed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Ken Shetter, Mayor

Attest:

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Amanda McCrory,  
City Secretary