CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **City Manager**

AGENDA DATE: **March 1, 2005**

CONTACT PERSON/PHONE: **Joyce A. Wilson, City Manager, X4844**
Elaine S. Hengen, Assistant City Attorney, X4550

DISTRICT(S) AFFECTED: **N/A**

SUBJECT:

An Ordinance relating to the process for submitting grant applications and accepting grant funding; giving authority to the City Manager and designee to sign and submit grant-related documents and grant agreements; and to repeal section of 10 of Ordinance No. 15791 relating to the placement of grant related items on the City Council Agenda as that section conflicts with the new procedures established in this ordinance.

BACKGROUND / DISCUSSION:

This Ordinance will authorize the City Manager or designee to sign and submit grant applications, grant documents and accept grant funding for the City in situations such as when grants do not require matching funds or matching funding is provided for in the City's budget. Grants not meeting the criteria set forth in the ordinance or which need the signature of the City's top elected official will continue to go to Council. By enacting this ordinance, the Council will make broad policy decisions regarding the grant funding application and acceptance processes. Staff will then carry out the policies as specifically set forth in the ordinance. These changes will result in more expedient processing and will eliminate several steps in the grant-making process, thus reducing time delays and the costs associated with processing items for the Council Agenda.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

**********REQUIRED AUTHORIZATION**********

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:

_____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: Joyce A. Wilson 02/28/05

05 FEB 21 PM 1:10
CITY CLERK DEPT.

#9302

AN ORDINANCE RELATING TO THE PROCESS FOR SUBMITTING GRANT APPLICATIONS AND ACCEPTING GRANT FUNDING; AND GRANTING THE AUTHORITY TO THE CITY MANAGER AND DESIGNEE TO SIGN AND SUBMIT GRANT-RELATED DOCUMENTS; AND TO REPEAL SECTION 10 OF ORDINANCE NO. 15791 RELATING TO THE PLACEMENT OF GRANT RELATED ITEMS ON THE CITY COUNCIL AGENDA AND CREATE NEW PROCEDURES.

WHEREAS, the City routinely submits grant applications and similar documents in search of grant funding and other similar funding for various City programs; and

WHEREAS, Section 4.2 of the El Paso City Charter allows the City Council to, by ordinance, provide for additional designated officials to sign acts of Council on behalf of the Mayor; and

WHEREAS, the City Manager and his or her designee should be authorized to sign and submit many of the City's grant applications and acceptances for the City and the El Paso City-County Health and Environmental District in the interest of efficiency of administrative governmental operations in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

1. That unless a granting agency requires that the City's top elected official be listed as the grant official in a grant document, the City Council hereby designates the City Manager and his or her designee to be listed as the authorized official and as the official with financial authority or similar designations on all grant applications, acceptances and other documents and to sign all grant applications, acceptances and other grant documents on behalf of the City of El Paso.

2. That the City Manager and his or her designee is authorized, on behalf of the City of El Paso, to sign all assurances, certifications and other affirmative statements contained in grant applications and grant documents, in accordance with grant requirements. This authorization shall include but not be limited to assurance certifications, certifications regarding debarment; certifications regarding lobbying; and certifications for program purposes.

3. That the City Manager and his or her designee is authorized, on behalf of the City of El Paso, to sign and submit all grant applications, acceptances, grant agreements and all other grant related paperwork and documentation (hereafter "grant documentation") for the following types of grants and grant-related items without specific further approval from the City Council:

a. Requests for proposals and other documents that reflect a statement of interest in a grant or in acquiring similar funding.
b. Grant documentation for grants that do not require matching funds or other similar direct expenditures by the City including those grants that only require an in-kind match.
c. Grant documentation for grants requiring matching funds when the required matching funds were included in the affected department's budget at the time of the adoption of the budget, or when the matching funds will be funded through the use of confiscated funds, provided that the grant is not otherwise required to go to the Council for approval pursuant to any budget resolution requirement.
d. Acceptances of all grants to include making and signing grant agreements, unless the grant requires that the acceptance be made by the City Council or be signed by the Mayor, when the City Council has previously authorized the submission of a grant application for the grant.
e. Revisions to grant documents or agreements, including the submission of revisions to grant operational plans, provided that such revisions do not increase, decrease or deobligate any program funds or require additional non-budgeted City funds.
f. Documents or letters to submit any requested or required information, reporting the status of City's or District's work regarding the grant and any request for any revisions or considerations from the grantor, or which relate to any other matters that are administrative in nature.
g. Documents to request and accept an extension of the award ending date for the grant.

h. Agreements that are necessary under the terms and conditions of a grant with other entities or agencies who will partner with the City to carry out the grant objectives and projects, and agreements with other entities and agencies who have received grant funding and are desiring to partner with the City to carry out the grant objects and projects.

4. All other grants and grant-related items not specifically set forth above shall be submitted to the City Council for approval, in conformity with any applicable requirements imposed by any budget resolution provision. Information regarding the amount of money involved with a grant related item and the name and number of the account from which the expenditure shall be made, and the accounts to and from which any transfer will be made, shall be made available to the City Council in the form and manner authorized by the City Manager. Provided however, that the City Manager shall have the authority to sign and submit such grants and grant-related items when the grant submission deadline is of such short duration that there is not adequate time to place the item on the agenda and the City Manager finds that there has been no undue delay by staff in preparing the grant document, the grant fits within already established or recognized City functions or activities, the funding for any matching funds can be readily located within departmental budgets and used for the grant purposes without detrimentally affecting department operations, and the City Manager informs each member of the Council of the action taken and takes any action required under the City's Budget Resolution as soon as practicable.

5. The grant of authority to the City Manager and his or her designee to sign and submit grant acceptances and agreements under this ordinance and the actions of the City Manager and his or her designee to obligate and/or encumber City funding for a grant project shall constitute the approval of Council for the expenditure of monies extending beyond the current Fiscal Year, as may be required by Texas law and City Budget Resolutions.

6. The grant of authority made herein to the City Manager and his or her designee shall extend to the identical matters that come before the City as set forth herein as they relate to the El Paso City-County Health and Environmental District and the Public Service Board and which are authorized or required by law or any Interlocal Cooperative Agreement to come before the City for approval or execution.

7. That Section 10 of Ordinance 15791, adopted by the City Council on June 2, 2004, and stating, "Agenda items requesting the expenditure of money or the transfer of funds among budgeted accounts must state the amount of money involved and indicate the name and number of the account from which the expenditure shall be made, and the accounts to and from which the transfer will be made. The department proposing the expenditure or budget transfer shall provide the Office of Management and Budget such details and support data as required to permit a timely and orderly review. Justification information for the transfer must show on the agenda which must include the purpose for the transfer." is hereby repealed.

ADOPTED this 15th day of March 2005.

CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO CONTENT:

Joyce Wilson
City Manager

APPROVED AS TO FORM:

Elaine S. Hengen
Assistant City Attorney

#: 6442/Ord-05/grant review process: EHEN