



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: July 10, 2023

TO: President Heather Graham and Members of City Council

CC: Mayor Nicholas A. Gradisar

VIA: Marisa Stoller, City Clerk

FROM: Robert Jagger, Deputy City Attorney

SUBJECT: AN ORDINANCE BUDGETING AND APPROPRIATING AN AMOUNT OF \$120,000 FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO THE PROFESSIONAL SERVICES ACCOUNT OF THE LAW DEPARTMENT AND APPROVING COMPENSATION FOR SPECIAL COUNSEL ON AN AS NEEDED BASIS

SUMMARY:

The proposed Ordinance budgets and appropriates an amount of \$120,000 from the unappropriated fund balance of the General Fund to the Professional Services Account of the Law Department and approves compensation for special counsel on an as needed basis.

PREVIOUS COUNCIL ACTION:

Ordinance 10348 (11/28/2022) adopted the budget for fiscal year 2023.

BACKGROUND:

In April of 2023, the City Attorney resigned. In July of 2023, the Law Department will have a new vacancy in the Assistant City Attorney II position due to resignation and other employment. Although the department will proceed with addressing staffing issues, it will take a period of time to hire and train as necessary. In the interim, the department may need to retain special counsel on an as needed basis. Although the City Charter vests authority in the City Attorney to retain special counsel, compensation must be approved by City Council. City Charter at §6-7. This Ordinance will budget \$120,000 to the department for such purposes. The amount is roughly approximate to 5 months of salary with respect to the two position.

FINANCIAL IMPLICATIONS:

The Unappropriated General Fund Balance would be reduced by \$120,000. If unexpended and unencumbered at the end of fiscal year 2023, the appropriated

amounts will lapse and remit to the General Fund.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

Not applicable to this Ordinance.

ALTERNATIVES:

Not passing the Ordinance. In which case, the Law Department will have less flexibility in addressing matters as they arise.

RECOMMENDATION:

Approval of the Ordinance.

ATTACHMENTS:

None

ORDINANCE NO. 10503

AN ORDINANCE BUDGETING AND APPROPRIATING AN AMOUNT OF \$120,000 FROM THE UNAPPROPRIATED FUND BALANCE OF THE GENERAL FUND TO THE PROFESSIONAL SERVICES ACCOUNT OF THE LAW DEPARTMENT AND APPROVING COMPENSATION FOR SPECIAL COUNSEL ON AN AS NEEDED BASIS

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

Funds in the amount of \$120,000 are hereby budgeted and appropriated from the unappropriated fund balance of the General Fund to the Professional Services account of the Law Department.

SECTION 2.

Pursuant to §6-7, City Charter, City Council approves compensation for special counsel to be paid from the Professional Services account of the Law Department on an as needed basis.

SECTION 3.

The officers and staff of the City are authorized and directed to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein.

SECTION 4.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on June 26, 2023.

Final adoption of Ordinance by City Council on July 10, 2023.



President of City Council

Action by the Mayor:

Approved on July 12, 2023.

Disapproved on _____ based on the following objections:

Hilda Leal
Mayor

Action by City Council After Disapproval by the Mayor:

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of _____, on _____

Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

Clyde W. Bishop

Acting City Clerk