

Memo

To: Honorable Mayor and City Council
From: Joe Kohlmann, City Administrator
Date: April 22nd, 2014
Re: SLMPD JPA Amendment

Staff has attached information regarding a proposed South Lake Minnetonka Police Department Joint Powers Agreement amendment.

In short, the SLMPD Coordinating Committee recommends a SLMPD budget to each of the Member City Councils. The budget requires unanimous approval of all four City Councils to adopt the budget. This amendment would require approval of only three City Councils to approve the budget at SLMPD.

The impact of not approving a SLMPD budget is explicitly stated on page 5 of the *attached JPA*.

The amendment requires unanimous approval from all member City Councils.

Action:

Review, discuss and vote on the proposed amendment.



SOUTH LAKE MINNETONKA POLICE DEPARTMENT
Serving Excelsior, Greenwood, Shorewood and Tonka Bay

BRYAN LITSEY
Chief of Police

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M E M O R A N D U M

TO: Kristi Luger, Excelsior City Manager
Dana Young, Deephaven City Administrator Representing City of Greenwood
Bill Joynes, Shorewood City Administrator
Joe Kohlmann, Tonka Bay City Administrator

FROM: Bryan Litsey, Chief of Police

DATE: April 16, 2014 - Wednesday

RE: Joint Powers Agreement (JPA)
Proposed Change - Approval of the Annual Operating Budget

As you are aware, one of the topics discussed at the Special Coordinating Committee Meeting on April 15, 2014 was a proposed change to the Joint Powers Agreement (JPA) in which approval of the Annual Operating Budget would only need three member cities (majority) to agree rather than all four member cities (unanimous). This way at least two member cities would have to disagree with the proposed budget before reverting to the JPA default provision. Attached are the corresponding packet materials provided for that meeting. This includes suggested language for the JPA that reflects the proposed change. A motion was made at the end of the discussion by Committee members recommending adoption of the change and sending it to the member city councils for their consideration. Motion passed on a 3-1 vote.

The abovementioned action by the Coordinating Committee is now being forwarded to you as the administrator/manager for your city. It would be much appreciated if you could have your city council take up this matter as soon as possible since it has a bearing on the upcoming budget process for the next fiscal year. The proposed change needs to be approved by a majority vote of each city council before it would take effect as an amendment to the JPA. Please keep me posted on how this matter is tracking with your city council.



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M E M O R A N D U M

TO: Coordinating Committee Members

FROM: Bryan Litsey, Chief of Police

DATE: April 8, 2014 - Tuesday

RE: Joint Powers Agreement (JPA)
Proposed Change - Approval of the Annual Operating Budget

As a result of the budget process last summer, new Coordinating Committee member and Tonka Bay Mayor Gerry De La Vega expressed concern with the stipulation in the Joint Powers Agreement (JPA) that requires unanimous approval of the Annual Operating Budget each year by all parties to the agreement. Although the default provision in the Fourth Amendment to the JPA softens the ramifications if unanimity cannot be achieved, Mayor De La Vega did not like the fact that one member city alone can force the budget process into default without at least one other member city agreeing. **See Addendum A.** He felt this was contrary to the spirit of the JPA and could be detrimental to the organization. He advocated a simple change to the JPA in which approval of the Annual Operating Budget would essentially only need three member cities (majority) to agree rather than all four member cities (unanimous). This way at least two member cities would have to disagree with the proposed budget before reverting to the default provision.

This topic was added to the agenda for the Coordinating Committee Meeting held on November 13, 2013. Attached is the corresponding excerpt from the summary minutes for that meeting. **See Addendum B.** As a first step, staff was asked to draft suggested language for the JPA that reflects the aforementioned proposal by Mayor De La Vega and could be used as the basis for further discussion on this matter. In reviewing the Fourth Amendment to the JPA, it appears that the following simple changes to the second paragraph on page 5 would accomplish this objective.

“The Approved Annual Operating Budget for each year shall be determined in advance by unanimous majority agreement of the Parties. ~~If the Parties do not unanimously~~ a majority of the Parties do not agree on the Approved Annual Operating Budget by September 1st of each year, the amount of the previous year’s Approved Annual Operating Budget will be increased by the lesser of the following to arrive at the Approved Annual Operating Budget...”

Attorney Kenneth Potts, who is general legal counsel for the SLMPD, has reviewed these changes and believes it achieves the stated objective of lessening the threshold for approval of the Annual

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Proposed JPA Change - Approval of the Annual Operating Budget
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Operating Budget from unanimous to a majority of the member cities. A majority under the current makeup of the JPA requires at least three of the four member cities agreeing before it takes effect. Although it could be stated in this manner, the language being proposed would not have to be changed if other cities became part of the JPA at a future date.

This is on the agenda for further discussion and direction at the Special Coordinating Committee Meeting scheduled for Tuesday, April 15, 2014.