

Chapter 2.08 - CITY MANAGER

Sections:

2.08.010 - Office created.

The office of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council.

(Ord. 2 § 1, 1988)

2.08.020 - Residence.

Residence in the city at the time of appointment of a city manager shall not be required as a condition of appointment nor at anytime thereafter unless otherwise prescribed for in the city manager's employment agreement.

(Ord. 298 § 2, 2000; Ord. 2 § 2, 1988)

2.08.030 - Eligibility.

No member of the city council shall be eligible for appointment as city manager until one year has elapsed after such city council member shall have ceased to be a member of the city council.

(Ord. 2 § 3, 1988)

2.08.040 - Bond.

The city manager and acting city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council, and shall be conditioned upon the faithful performance of the duties imposed upon the city manager and acting city manager as herein prescribed. Any premium for such bond shall be a proper charge against the city.

(Ord. 2 § 4, 1988)

2.08.050 - Acting city manager.

The assistant city manager or deputy city manager shall serve as acting city manager during any temporary absence or disability of the city manager. In the event there is no assistant city manager or deputy city manager, the city manager, by filing a written notice with the city clerk, shall designate a

qualified city employee to exercise the power and perform the duties of city manager during his/her temporary absence or disability. In the event the city manager's absence or disability extends over a two-month period, the city council may, after the two-month period, appoint an acting city manager.

(Ord. 295 § 1, 2000: Ord. 2 § 5, 1988)

2.08.060 - Compensation.

The city manager shall receive such compensation as the city council shall from time to time determine. In addition, the city manager shall be reimbursed for all actual and necessary expenses incurred by him/her in the performance of his/her official duties.

(Ord. 2 § 6, 1988)

2.08.070 - Powers and duties.

The city manager shall be the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this chapter. He/she shall be responsible for the efficient administration of all the affairs of the city which are under his/her control. In addition to his/her general powers as administrative head, and not as a limitation thereon, it shall be his/her duty and he/she shall have the powers set forth in the following subsections.

- A. Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.
- B. Authority Over Employees. It shall be the duty of the city manager, and he/she shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his/her jurisdiction through their department heads.
- C. Power of Appointment and Removal. It shall be the duty of the city manager to, and he/she shall appoint, remove, promote and demote any and all officers and employees of the city, except the city attorney.
- D. Administrative Reorganization of Offices. It shall be the duty and responsibility of the city manager to conduct studies and effect such administrative reorganization of offices, positions or units under his/her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.
- E. Ordinances. It shall be the duty of the city manager and he/she shall recommend to the city council for adoption such measures and ordinances as he/she deems necessary.
- F.

Attendance at City Council Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless at his/her request he/she is excused therefrom by the mayor individually or the city council, except when his/her removal is under consideration.

- G. Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial condition and needs of the city.
- H. Budget. It shall be the duty of the city manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval.
- I. Expenditure Control and Purchasing. It shall be the duty of the city manager to see that no expenditures shall be submitted or recommended to the city council, except on approval of the city manager or his/her authorized representative. The city manager, or his/her authorized representative, shall be responsible for the purchase of all supplies for all the departments or divisions of the city.
- J. Investigations and Complaints. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligation to the city. Further, it shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city.
- K. Public Buildings. It shall be the duty of the city manager and he/she shall exercise general supervision over all public buildings, and all other public property which are under control and jurisdiction of the city council.
- L. Hours of Employment. It shall be the duty of the city manager to devote his/her entire time to the duties of his/her office and in furthering the interest of the city.
- M. Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the city council.

(Ord. 2 § 7 (§§ 7.1—7.2, 7.15), 1988)

2.08.080 - Internal relations.

- A. Council—Manager Relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his/her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager.

- B. Departmental Cooperation. It shall be the duty of all subordinate officers and the city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.
- C. Attendance at Commission Meetings. The city manager may attend any and all meetings of the planning commission and any other commissions, boards or committees created by the city council, upon his/her own volition or upon direction of the city council. At such meetings which the city manager attends, he/she shall be heard by such commissions, boards or committees as to all matters upon which he/she wishes to address the members thereof, and he/she shall inform said members as to the status of any matter being considered by the city council, and he/she shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council.

(Ord. 2 § 8, 1988)

2.08.090 - Removal procedure.

- A. Removal of City Manager. The removal of the city manager may be affected with or without cause. Removal for cause shall occur only by a majority vote of the whole city council as then constituted, convened in a regular council meeting. Removal without cause shall occur by a majority vote of the whole city council as then constituted, convened in a regular council meeting, unless at least four votes to terminate without cause is agreed to in an employment agreement. Any employment agreement requiring four votes to terminate without cause must be approved by at least the same number of votes.
- B. Limitation on Removal. Notwithstanding the provisions of subsection (A) of this section, the city manager shall not be removed from office, during or within a period of one hundred twenty (120) days next succeeding any general municipal election held in the city at which election a member of the city council is elected or when a new city councilmember is appointed; the purpose of this provision is to allow any newly elected or appointed member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his/her office. After the expiration of the one hundred twenty (120) day period aforementioned, the provisions of subsection (A) of this section as to the removal of the city manager shall apply and be effective.

(Ord. 268 § 1, 1998; Ord. 2 § 9, 1988; Ord. No. 2020-09, § 2, 6-16-20)

2.08.100 - Agreements on employment.

Nothing in this chapter shall be construed as a limitation on the power or authority of the city council to enter into any supplemental agreement with the city manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

(Ord. 2 § 10, 1988)