

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.08 - CITY MANAGER

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##### **2.08.010 - Office created.**

There is created the position of city manager, who shall be a person selected by the city council solely on the basis of his or her executive and administrative qualifications with special reference to actual experience and knowledge of accepted practice with respect to the duties of the office as set forth in this chapter. The city manager shall serve directly under the supervision and control of the city council as a whole.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.601)

##### **2.08.020 - Absence of city manager.**

The city manager shall have the authority to designate and appoint a city department head to act and serve as acting city manager whenever the city manager deems such to be necessary by virtue of temporary absence from the city or disability to perform the duties, except that in the event such an acting appointment and designation is anticipated to be for longer than fifteen (15) consecutive days and the city council has not approved the designation and appointment of the acting city manager, the appointment and designation shall be confirmed by the city council at their next regular council meeting. Any person so designated and appointed as acting city manager shall receive no increase in compensation over that received for the position they otherwise occupy within the framework of city government unless and until such increase in compensation is approved by the city council. Any person appointed and designated as acting city manager shall have all of the powers and duties of the city manager as specified in this chapter while acting in such capacity, except that no officer or employee of the city shall be appointed, removed, promoted, demoted, suspended or otherwise disciplined by the acting city manager without the prior approval of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.602)

##### **2.08.030 - Appointment, tenure and removal.**

The city manager shall be appointed by the city council and shall hold office for and during the pleasure of the city council. Removal of the city manager shall be only by a majority vote of the whole

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council as then constituted, convened in a regular council meeting and shall be subject to the following provisions:

- A. The city manager may be removed at any time with or without cause.
- B. If the removal of the city manager is for cause, the removal shall be effective immediately or at such other time thereafter as the city council may determine.
- C. If the removal is not for cause, it shall be effective thirty (30) days thereafter or at such later date as may be determined by the city council.
- D. If the removal of the city manager is without cause, the city council may, in its sole option and discretion, elect to remove all of the manager's duties or surrender his or her office. However, the city manager shall still be paid a minimum of thirty (30) days salary, notwithstanding the removal of his or her powers and duties. This salary shall be paid on the next normal pay day of the city employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.603)

#### **2.08.040 - Removal—Limitations.**

Notwithstanding the provisions of [Section 2.08.030](#) of this chapter, the city manager shall not be removed from office, other than for misconduct in office, during or within a period of thirty (30) days prior and ninety (90) days next succeeding any general or special municipal election held in the city, at which election a member of the council is elected or when a new council member is appointed. The purpose of this provision is to allow any newly-elected or appointed member of any council or a reorganized council to observe the actions and ability of the city manager in the performance of the powers and duties of his or her office. After the expiration of such ninety (90) day period, the provisions of [Section 2.08.030](#) as to the removal of the city manager shall apply and be effective.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.604)

#### **2.08.050 - Compensation and expenses.**

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and such compensation and expenses shall be a proper charge against funds of the city as the city council shall designate. The city manager shall be reimbursed for all sums, authorized by budget appropriation, necessarily incurred or paid in the performance of his or her duties or incurred when traveling on business pertaining to the city under the direction of or with the express consent of the city council. Reimbursement shall be made only in accordance with an itemized claim setting forth the sums expended or obligations incurred in the manner provided by the city council for the presentation of claims for reimbursement of expenses of other city officers and employees.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.605)

#### **2.08.060 - 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. He or she shall be responsible for the efficient administration of all of the affairs of the city which are under his or her control. In addition to the general powers as administrative head contained in the Government Code and not as a limitation thereof, it shall be his or her duty and he or she shall have the following powers:

- A. **General Supervision.** To execute, on behalf of the city council, its administrative supervision and control of such affairs of the city as may be placed in his or her charge or which are not otherwise provided for by the city council.

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- B. **Personnel and Organization.** To appoint competent, qualified officers and employees to the administrative service (which term is inclusive of all positions except contract personnel) and to dismiss, suspend and discipline such officers and employees, consistent with the policies of the city council; to recommend to the city council such reorganization of officers, departments or divisions as may be indicated in the interest of efficient, effective and economical conduct of the city's business and to effect such reorganization when authorized by appropriate ordinance, resolution or motion of the city council. The city manager is required to consult with the department head of the department involved in any decision to hire, dismiss, suspend or discipline any employee. If the department head does not concur with the city manager's decision, the decision of the city manager shall be binding unless the department head shall appeal such decision to the city council at its next regularly scheduled meeting. The city manager may delegate authority to a department head to discipline an employee for minor infractions of rules and responsibilities in accordance with personnel rules of the city.
- C. **Authority Over Officers and Employees.** To control order and give directions to all heads of departments and to subordinate offices and employees of the city under his or her jurisdiction through their department heads when available.
- D. **Custodian of City Property.** To immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furnishings and fixtures, supplies and moveable property of every kind and nature belonging to the city; and to require each officer or department head to inventory the same of any portion thereof and maintain and perpetual inventory. One copy of such annual inventory shall be filed with the city council and one with the city clerk. To act as and be custodian of all city property, custody of which has not otherwise been provided for.
- E. **Compensation Plan.** To prepare and to recommend to the city council from time to time desirable revisions of the compensation plan of the city.
- F. **To Aid City Council.** To attend all meetings of the city council and to report upon and discuss any matter concerning the affairs of the department, services of activities under his or her supervision upon which, in his or her judgment, the city council should be informed or upon which his or her views or opinions are requested by the city council.
- G. **Enforcement of Laws.** To see to the enforcement within the city of the laws of the state and all laws and ordinances of the city.
- H. **Contracts, Franchises, Etc.** To investigate and see to the faithful performance and observation of all contracts of the city and of all franchises, permits, licenses and privileges granted by the city and to report any and all violations to the city council.
- I. **Citizen Complaints.** To investigate all complaints in relation to matters concerning the administration of city government; to adjust all proper grievances within the scope of authority provided by the city laws and policies and to report to the city council all injustices suffered by reason of defects or omissions in the laws, policies or practices of the city which he or she is authorized to rectify.
- J. **Public Property.** To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the city council, when the general supervision thereof is not specifically delegated to a particular officer; and to exercise general supervision over all city-owned public utilities operated within the city.
- K. **Community Relations.** To explain to the public the actions, purposes and policies of the city government.
- L. **Community Projects.** To cooperate within lawful limits with all community organizations whose aim and purpose it is, in whole or in part, to advance the interests of the city and its people and to provide them, within lawful limits, with assistance in such aim and purpose through the city government.

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- M. **Contracts.** To execute, in the name of the city council and city any contract authorized or approved by the city council, unless the city council shall expressly provide for other manner of execution of such contract.
- N. **Appearance Before Subordinate Agencies.** To appear before and address any commission or agency appointed by the city council whenever he or she deems it advisable and whenever the interests of the city so require.
- O. **To Oversee Personnel Officer.** To oversee the personnel officer of the city who prepares and keeps the necessary records of personnel attendance, vacations and other such activities and to take applications for employment with the city and make recommendations to the city council of qualified persons to fill vacancies in the city service for the council's approval, when such approval is necessary.
- P. **Employee Negotiations.** To act as the chief negotiator on behalf of the city council in all negotiations with city employees and/or their representatives; provided, however, that the city manager is not authorized to enter into any agreements which will bind the city and all agreements reached in employee negotiations shall be conditional upon final approval of the written agreement by the city council.
- Q. **Appear Before Public Agencies.** To appear before and address any public agency or commission as the representative of in the furtherance of the city's interest or as directed by the city council.
- R. **Other Duties and Powers.** To perform such other duties and exercise such other powers as are necessarily incident to the above powers or as may be assigned or delegated to him or her from time to time by action of the city council.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.606)

#### **2.08.070 - Limitations on powers.**

The city manager shall act as the agent for the council in the discharge of its administrative functions, but shall not exercise any policy making or legislative functions whatsoever nor attempt to commit or bind the council or any member thereof, to any action, plan or program requiring official council action. It is not intended by this chapter to grant any authority to or impose any duty upon, the city manager which is vested in or imposed by general law or valid city ordinances in any other city commission, board, department, officer or employee.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.607)

#### **2.08.080 - Standard of performance.**

In the discharge of his or her duties as city manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his or her contact with the public, with the city council and all city commissions, boards, departments, officers and employees and shall use his or her best efforts to establish and maintain a harmonious relationship among all personnel employed in the government of the city, to the end that the highest possible standards of public services shall be continuously maintained.

(Ord. 421 § 1 (part), 1994: prior code § 2-4.608)