

Effective January 1, 2011

ARTICLE III The City Manager

Sec. 3.01 - Appointment, Qualifications, Compensation.

The City Council will appoint a City Manager upon such terms and conditions as it deems best and must enter into a written contract with the City Manager for a term not to exceed three years. The City Manager must be appointed solely on the basis of executive and administrative qualifications. The City Manager need not be a resident of the City or State at the time of appointment but may reside outside the City while in office only with the approval of the Council. Neither the provisions of this Article nor any other provisions of this Charter will be construed to afford to the City Manager any expectation of contract renewal from one contract term to the next.

Sec. 3.02 - Powers and Duties of the City Manager.

The City Manager will be the chief administrative officer of the City and has the following powers and duties:

- (a) To appoint, suspend or remove all City employees provided by law or pursuant to this Charter. Upon hire, demotion, or promotion, the City Manager is authorized to select the appropriate pay grade within the Pay Plan established by the Council as provided for in Article VI. The appointment and removal of department heads will be subject to confirmation by the Council.
- (b) To direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.
- (c) To attend Council meetings and have the right to take part in discussion but may not vote.
- (d) To see that all laws, provisions of the Charter and acts of the Council are faithfully executed.
- (e) To prepare and submit the annual budget, the annual capital program and financial and administrative reports to the Council.
- (f) To report to the Council and perform such duties as the Council may require.
- (g) To make recommendations to the Council concerning the affairs of the City.

Sec. 3.03 - Annual Review.

The Council will annually review the City Manager's performance.

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Sec. 3.04 - Termination and Non-Renewal.

The Council may remove the City Manager from office by terminating the City Manager's contract during a contract term for just cause or cause the City Manager's separation from service by non-renewal of a contract at the end of a contract term in accordance with the following procedures. These procedures are intended only to provide for transparency of process for the benefit of the public and will not be deemed to create an expectation of contract renewal or any other substantive right that is not explicitly contained in the City Manager's written contract. These procedures do not apply in the event that the City Manager voluntarily resigns from office.

- (a) Termination. Following notice and opportunity to be heard consistent with the requirements of due process, the Council may terminate the City Manager's contract for just cause during a contract term by Super-Majority Vote. The Council must make a written record of its decision setting forth the reason or reasons for its decision and make findings of fact sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision.
- (b) Contract Non-Renewal. At least ninety (90) Days prior to the expiration of the City Manager's contract, the Council will meet to discuss whether to negotiate a new contract with the City Manager or allow the contract to expire and to seek a new City Manager. If the Council decides by Majority Vote to tentatively allow the contract to expire:
 - (1) The Council will issue a preliminary resolution of non-renewal indicating the Council's intent to allow the contract to expire and containing reasons for the decision.
 - (2) Within ten (10) Days after issuing the preliminary resolution, the Council will schedule a public hearing for the purpose of accepting public comment, including comments from the Council or City Manager if they choose comment, on the preliminary resolution. If the City Manager objects to the public hearing, no hearing will be held and the preliminary resolution will immediately become final without any further action required by the Council.
 - (3) The public hearing will be held not earlier than fifteen (15) Days or later than thirty (30) Days after the issuance of the preliminary resolution. Within thirty (30) Days after the public hearing, the Council may adopt a final resolution to allow the contract to expire by Majority Vote. If the final resolution is not passed, the Council will proceed to enter into negotiations for a new contract with the City Manager.
- (c) Discussions by the Council and records relative to non-renewal and termination decisions must be undertaken and handled in accordance with the Freedom of Access Act, including its public meeting and executive session provisions, and the confidential personnel record provisions of Municipal Employment, as provided by statute.

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Sec. 3.05 - Acting City Manager.

The City Manager may designate a qualified administrative official of the City to serve as Acting City Manager and to perform the City Manager's duties during an anticipated temporary absence or disability, except that the Council may, at its discretion, designate a different Acting City Manager. If the City Manager is unable to designate an Acting City Manager prior to the temporary absence or disability, the City Clerk will so serve until such time that the Council makes such designation. When the position of City Manager becomes vacant, the Council will appoint a new City Manager as provided by this Article.