



*Leaders at the Core of Better Communities*

## **Sample Ordinance for Establishing a Manager's Position**

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*Note: Adoption of the council-manager form of government by ordinance generally should be considered as a temporary arrangement pending adoption by referendum of a home-rule charter or the provisions of an optional state law. Some provisions of this suggested ordinance may need to be changed to reflect local custom, state law, or city charter.*

### **AN ORDINANCE CREATING THE OFFICE OF CITY MANAGER IN THE CITY OF \_\_\_\_\_ AND PROVIDING FOR HIS/HER POWERS AND DUTIES.**

**BE IT ORDAINED** by the city council of \_\_\_\_\_:

**Section 1. Creation of Office.** The office of city manager is hereby created.

**Section 2. Appointment of City Manager.** The city manager shall be appointed by majority vote of the city council for an indefinite term. The manager shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the city or state, but during the manager's tenure of office, shall reside within the city. No council member shall receive such appointment during the term for which the council member shall have been elected nor within one year after the expiration of the council member's term.

**Section 3. Removal of the City Manager.** The city council may remove the city manager at any time by a majority vote of its members. If requested, a public hearing shall be granted by the council within 30 days following notice of removal. During the interim, the council may suspend the manager from duty, but shall continue the manager's salary and, if the removal becomes final, shall pay said salary for six calendar months following final removal date.

**Section 4. Power and Duties of the City Manager** (As described for council-manager government in the *Model City Charter*, 8th ed.). The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning operations;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city;

- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Provide staff support services for the mayor and council members;
- (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;
- (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (14) Perform such other duties as are specified in this charter or may be required by the city council.

**Section 5. Council Not to Interfere with Appointments or Removals.** Neither the council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, the council and its members shall deal with the administration solely through the city manager and neither the council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

**Section 6. Emergencies.** In case of accident, disaster, or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting said emergency; but the manager shall file promptly with council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

**Section 7. Bond.** The city manager shall furnish a surety bond to be approved by the council, said bond to be conditioned on the faithful performance of all the manager's duties. The premium of the bond shall be paid by the city.

**Section 8. Compensation.** The city manager shall receive such compensation as the council shall fix from time to time by ordinance or resolution.

**Section 9. Vacancy.** Any vacancy in the office of the city manager shall be filled within 60 days after the effective date of such vacancy.

**Section 10. Saving Clause.** If any section, sub-section, or sentence, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.