

RESOLUTION 2010-18

A RESOLUTION SUBMITTING TO THE VOTERS THE QUESTION OF AMENDING THE GARIBALDI CITY CHARTER TO INCLUDE THE OFFICE OF CITY MANAGER.

WHEREAS, if approved by the voters of the City of Garibaldi, the Charter as amended will create the office of City Manager; NOW THEREFORE

THE COMMON COUNCIL OF THE CITY OF GARIBALDI RESOLVES AS FOLLOWS:

Section 1. An election is hereby called to submit to the qualified voters of the City the question of amending the City of Garibaldi Charter in accord with the amendment set out in "Exhibit A" attached hereto.

Section 2. The election called by this resolution shall be held at the time of the general election on November 2, 2010.

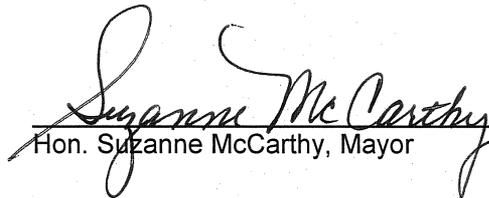
Section 3. The Ballot Title attached hereto as "Exhibit B" is adopted by the Council and shall be filed with the City Recorder in accord with ORS 250.285(1).

Section 4. In addition, the city attorney shall provide to the council an explanatory statement to be approved by the city council and published in the Tillamook County Voters Pamphlet, as required by ORS 251.345.

Section 5. The City Administrator and City Recorder are hereby authorized and directed to cause this Resolution and the Ballot Title, subject to any revisions made in accord with ORS 250.296, and the Explanatory Statement, when approved by City Council, to be submitted to the Tillamook County Elections Officer in a timely manner as required by law, for inclusion on the November 2, 2010 election ballot and in the Tillamook County Voters Pamphlet; and to perform all other acts which may be required or convenient to submit the measure to the voters.

Section 6. This Resolution shall take effect on July 19, 2010.

PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR, this 21st day of June, 2010.


Hon. Suzanne McCarthy, Mayor

ATTEST:


John O'Leary, City Administrator

EXHIBIT A

The City of Garibaldi Charter Chapter V is amended, and the Charter renumbered accordingly, effective December 1, 2010, by the addition of new text as follows:

City Manager

[1] The office of City Manager is established as the administrative head of the city government. The City Manager is responsible to the mayor and council for the proper administration of all city business. The City Manager will assist the mayor and council in the development of city policies and will carry out policies established by ordinances and resolutions.

[2] A majority of the council shall appoint and may remove the Manager. The appointment shall be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

[3] The Manager need not reside in the city.

[4] The Manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council shall fill the office by appointment as soon as practicable after the vacancy occurs.

[5] The Manager shall:

- (a) Attend all council meetings unless excused by the mayor or council;
- (b) Make reports and recommendations to the mayor and council about the needs of the city;
- (c) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- (d) Appoint, supervise and remove city employees;
- (e) Organize city departments and administrative structure;
- (f) Prepare and administer the annual city budget;
- (g) Administer city utilities and property;
- (h) Encourage and support regional and intergovernmental cooperation;
- (i) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;
- (j) Perform other duties as directed by the council; and
- (k) Delegate duties, but remain responsible for acts of all subordinates.

[6] The Manager has no authority over the council, the city attorney, or the judicial functions of the municipal judge.

[7] The Manager and other employees designated by the council may sit at council meetings but have no vote. The Manager may take part in all council discussions.

[8] When the Manager is temporarily unable to act as Manager or when the office of Manager becomes vacant, the council shall appoint a Manager pro tem. The Manager pro tem has the authority and duties of Manager, except that a pro tem Manager may appoint or remove employees only with council approval.

[9] No council member shall directly or indirectly attempt to coerce the Manager or a candidate for the office of Manager in the supervision, appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal of a council member from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the Manager relating to city business.

Any charter reference to "City Administrator" shall be replaced by "City Manager".

EXHIBIT B

Caption: Amends City of Garibaldi Charter to create City Manager position. (10 words/10)

Question: Should the City of Garibaldi Charter be amended to create the position of City Manager? (15 words/20)

Statement: The City Council proposed this amendment. City of Garibaldi Charter (“Charter”) authorizes the City Council to create positions. When the City Administrator position was created by ordinance, the City Council retained authority over personnel. This Charter amendment will authorize a City Manager position responsible for management and personnel. The City Council will retain authority to appoint or remove the City Manager.

Over the past ten years the city has increasingly relied on its City Administrator as the business of city government has changed. Today the city’s executive is expected to handle complex public administration including but not limited to public utilities, property, finance, budget, and construction. In addition, as the city council focuses on its legislative functions defined by Charter, supervision of personnel has increasingly shifted to the executive. The amendment will change authority over personnel from the city council to the city manager, and replace the word “Administrator” to “Manager” in the Charter. The amendment is based on the model city charter adopted by the League of Oregon Cities.