

**CITY OF GARIBALDI  
ORDINANCE NO 313  
(ENACTED 4/19/2010)**

**AN ORDINANCE CREATING THE POSITION OF CITY  
ADMINISTRATOR AND REPEALING ORDINANCES NOS. 238 AND  
239.**

**THE CITY OF GARIBALDI ORDAINS AS FOLLOWS:**

*SECTIONS*

- 1 *Office of City Administrator*
- 2 *Manner of Appointment*
- 3 *Duties, Power and Authority of City Administrator*
- 4 *Legislative Policy Making Prohibited*
- 5 *Manner of Removal*
- 6 *Salary and Benefits*
- 7 *Repealed Ordinances*
- 8 *Severability*

**Section 1. OFFICE OF CITY ADMINISTRATOR:** The Common Council of the City of Garibaldi creates the office of City Administrator for the City of Garibaldi, Oregon. The City Administrator shall serve as the City Recorder of Garibaldi.

**Section 2. MANNER OF APPOINTMENT.**

A. The City Administrator shall be appointed by a majority vote of the Common Council of the City of Garibaldi, following nomination by the Mayor or by two members of the City Council.

B. The City Administrator shall be required to carry a bond for the faithful performance of duties in an amount to be determined by the City Council and specified within the City Administrator job description. The amount of the bond shall not be less than \$50,000.00. The expense of the bond shall be paid from the budget of the City Administrator's office.

C. A description of specific duties and responsibilities will be established through a job description for the City Administrator. The job description of the City Administrator shall be recommended by the Mayor and adopted by a majority vote of the City Council. Duties, powers and authority of the City Administrator as granted or described in the job description shall not conflict with those duties, powers or authority as described in Section 3 of this Ordinance.

**Section 3. DUTIES, POWER AND AUTHORITY OF CITY ADMINISTRATOR:**

A. The City Administrator is the administrative head of all personnel of the City of Garibaldi, and is responsible for all human resource and employment decisions related to employees and volunteers of the City of Garibaldi. The City Administrator is authorized to employ, terminate employment, change employee and non-elective officer job descriptions, alter work schedules, discipline employees and non-elective officers, and alter compensation or benefits of employee and non-elective officer positions. The authority of the City Administrator shall not conflict with or preempt active, binding agreements between the City of Garibaldi and its employees or non-elective officers. In the event that a conflict occurs, authority shall be granted by the earliest dated agreement. Upon discovery of a conflict in binding agreements, the City Council and City Administrator shall make it a priority to resolve any conflict concerning authority. The City Administrator is authorized to represent the City Council in negotiating labor agreements.

B. The City Administrator shall be responsible for preparation and presentation of the budget for the City of Garibaldi to the Garibaldi Budget Committee. The City Administrator is authorized make budgetary and fiscal policy recommendations to the City Council and Budget Committee for the purpose of providing City services, maintaining public infrastructure, accomplishing the goals of the City Council and providing for the mission of the City of Garibaldi. The City Administrator is responsible for ensuring that the City of Garibaldi complies with all laws regulating budgetary expenditures.

C. The City Administrator shall oversee all financial transactions of the City of Garibaldi including, and not limited to: employee compensation and lawful deduction requirements; accounts payable to vendors or contractors of the City of Garibaldi; And accounts receivable to the City of Garibaldi from any person or entity that has received a service or product from the City of Garibaldi, for which a fee, tax or charge has been legally established through resolution or ordinance by the City of Garibaldi.

D. The City Administrator shall act as the business agent of the Garibaldi City Council.

E. Any responsibility or duty of the City of Garibaldi that has not been placed on another City of Garibaldi position through a job description or ordinance creating a position with the City of Garibaldi shall become the responsibility of the City Administrator. The City Administrator is authorized to delegate specific duties of the City Administrator to other City of Garibaldi positions where such delegation is authorized and described in the City Administrator job description.

**Section 4. LEGISLATIVE POLICY MAKING PROHIBITED:** The City Administrator shall not exercise any legislative policy or legislative functions, nor attempt to commit or to bind the Mayor or City Council to any action, plan or program

regarding legislative policy or legislative functions, and such shall remain exclusively the province of the City Council.

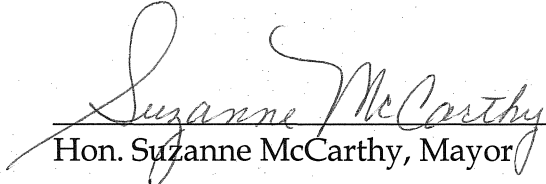
**Section 5. MANNER OF REMOVAL:** The City Administrator shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the members of the City Council presently holding office at the time of such vote. The action of the City Council in removing the City Administrator shall be final.

**Section 6. SALARY AND BENEFITS:** The salary and benefits of the City Administrator shall be set by the City Council within the annual budget of the City of Garibaldi and may be revised from time to time by the City Council in its discretion and legislative function. The salary and benefits of the City Administrator position shall be described in the employment agreement between the City of Garibaldi and City Administrator.

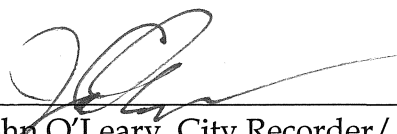
**Section 7. REPEALED ORDINANCES:** Ordinances Nos. 238 and 239 are hereby repealed.

**Section 8. SEVERABILITY:** If any of the provisions of this Ordinance shall be held by a court of competent jurisdiction to be void or unconstitutional, it is hereby provided that all other parts of the same that are not expressly held to be void or unconstitutional shall continue in full force and effect.

**Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 19 day of April, 2010.**

  
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Hon. Suzanne McCarthy, Mayor

ATTEST:

  
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John O'Leary, City Recorder/ Administrator

Adopted by reading twice by title.