

ORDINANCE NO. 89-O-457

AN ORDINANCE CREATING THE OFFICE OF CITY MANAGER FOR THE CITY OF BROOKINGS, OREGON; ESTABLISHING THE POWERS, DUTIES, RESPONSIBILITIES AND AUTHORITY OF THE CITY MANAGER; ESTABLISHING THE PROCEDURES FOR THE APPOINTMENT, REMOVAL, SALARY AND BENEFITS OF THE CITY MANAGER; AND REPEALING ORDINANCE NO. 84-0-386. [January 10, 1990]

Recital:

The ordinance creating the office of city manager is again being revised so that the manager, city council and the public will have a better understanding of, and working relationship with, this office. This ordinance is intended to be part of a package including a new job description and evaluation criteria and procedures which should provide the City of Brookings with a more stable and harmonious relationship with its chief administrative officer.

Sections:

Section 1.	Purpose.
Section 2.	Creation of office of City Manager and procedures-for appointment.
Section 3.	Duties, powers, responsibilities and authority of the City Manager.
Section 4.	Legislative policy making prohibited.
Section 5.	Salary and benefits.
Section 6.	Severance. (amended by Ordinance No. 00-O-457.A (September 25, 2000)
Section 7.	Repeal.
Section 8.	Severability.

The City of Brookings ordains as follows:

Section 1. Purpose. Pursuant to Chapter 3, Section 10 of the Charter of the City of Brookings, Oregon, the City Council hereby deems it advisable and in the best interest of the City to create the office of City Manager and to outline said officer's powers, duties, responsibilities and the procedure for appointment and removal of said officer.

Section 2. Creation of the office of City Manager and procedures for appointment.

A. The office of City Manager is hereby created. The City Manager shall be appointed by the Common Council of the City of Brookings, shall serve for an indefinite term 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.

B. The City Manager shall receive such compensation as the Mayor and Common Council shall fix from time to time by motion noted in the minutes of the Council.

C. At the time of appointment the person so appointed as City Manager need not be a resident of the City of Brookings, Oregon, or of the State of Oregon but within six months of the date of appointment shall reside within said City and State for the balance of the person's tenure in office.

D. The City Manager shall be required to carry a bond for the faithful performance of the duties of office in an amount to be determined by the City Council. The expense of said bond shall be paid from the budget of the City Manager's office.

Section 3. Duties, powers, responsibilities and authority of the City Manager.

A. The City Manager shall devote his/her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.

B. The City Manager shall enforce all the ordinances of the City including the provisions of all franchises, leases, contracts, permits and privileges granted by, or running to the city.

C. The City Manager shall be the chief administrative officer and head of the administrative branch of the City and have control and general supervision over all city employees and all appointive City officers except that the City Manager shall not impinge on the City Attorney's ethical obligations to the City Council, shall have no control over the judicial activities of the Municipal Judge and shall have no power of appointment or removal of the Municipal Judge, City Recorder or City Attorney as such appointment and removal power is within the hands of the Mayor and Council pursuant to the City Charter. The City Manager shall supervise the departments to the end of attaining the utmost efficiency in each of them and therefore shall have the power to employ, dismiss or transfer an employee from one department to another providing that prior notification is given to the City Council and that any department head dismissed by the City Manager may appeal that dismissal to the City Council.

D. The City Manager shall act as purchasing agent for all departments of the City. All purchases shall be made by requisition signed by the City Manager.

E. The City Manager shall be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such other reports as the City Council may request.

F. The City Manager shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city real or personal property.

G. The City Manager shall act as business agent of the Council for the sale of real estate and other matters relating to franchises and leases.

H. The City Manager shall supervise the expenditures of all departments, divisions or services of the City and analyze and supervise the functions, duties and activities of the various departments, boards and services of the City, and all employees thereof, and make recommendations to the Mayor and City Council with reference to which in his/her judgment will result, if adopted, in greater efficiency of the overall operation of the City of Brookings government.

I. When authorized by the City Council, the City Manager shall develop and organize improvement projects and programs, and aid and assist the Mayor and City Council in carrying the same through to a successful conclusion.

J. The City Manager shall make and keep an inventory of all personal and real property owned by the City and advise the Mayor and Council of the need for purchase of new machinery, equipment or supplies, which in his/her judgment the same can be obtained under the terms and conditions which are most advantageous to the City.

K. The City Manager shall make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel employed by the City; shall inform and update the Mayor and Council in regards to his/her decisions on abolition, consolidation, transfer, removal of positions or personnel, or any other administrative decisions made by the City Manager which in his/her judgment will increase administrative efficiency.

L. The City Manager shall endeavor at all times to exercise the highest degree of tact, patience, and professional courtesy in his/her contacts with the public, personnel employed by the City and all elected and appointed officials, to the end that the highest possible standards of public service shall be maintained.

M. The City Manager shall perform such other duties as may be required of him/her by the Mayor and Council, not inconsistent with the laws of the State of Oregon and the Charter and Ordinances of the City of Brookings.

Section 4. Legislative policy making prohibited. The City Manager shall not exercise any legislative policymaking or legislative functions, nor attempt to commit or to bind the Mayor or Council to any action, plan or program regarding legislative policy or legislative function, and such shall remain exclusively the province of the City Council.

Section 5. Salary and benefits. The salary and benefits of the City Manager shall be set by the City Council within the annual budget of the City of Brookings.

Section 6. Severance. In the event of termination, the manager shall be granted a severance award, if any, as set forth in the City Manager Employment Contract with the City. (as amended by Ordinance No. 00-O-457.A, Effective September 25, 2000)

Section 7. Repeal. Ordinance No. 84-0-386 and any other ordinances, resolutions or motions prior to the date of the enactment hereof, or any portion thereof, in any way inconsistent with the provisions hereof shall be and are hereby repealed, replaced and

superseded.
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Brookings Ordinances

1-457.8

Section 8. Severability. If any provisions, part or parts of this ordinance shall be held to be unconstitutional, invalid or otherwise inoperative, such invalidity shall not effect other provisions hereof which can be given effect without the invalid provision, the remainder hereof shall remain in full force and effect as a valid and subsisting ordinance until repealed, and to this end the provisions of this ordinance are declared to be severable.

Adopted January 10, 1990.