

**An Ordinance Providing For and Creating the
Office of City (Village) Manager
Under Council/Manager Form of Government**

SECTION 1: Office Created -The office of City (Village) Manager is hereby created subject to the provisions of this Ordinance.

SECTION 2: Qualifications of City (Village) Manager-The City (Village) Manager shall be chosen by the Mayor and City Council (Village President and Board of Trustees) solely on the basis of executive and administrative qualifications with special reference to specific professional education for, actual experience in, and knowledge of accepted practice in respect to the administration of local government and to the duties of the office as specified below. The appointment shall be made without consideration of the candidates' race, sex, politics, or religious beliefs. The person appointed to this office need not be a resident of the city (village) of the state at the time of appointment. Neither the Mayor nor any member of the City Council (the Village President nor any member of the Village Board) shall receive such appointment during their terms of office or within two years after the expiration of that term.

SECTION 3: Appointment and Relationship to Elected Officials-The City (Village) manager shall be appointed to an indefinite term of office by a majority vote of the City Council (Village Board). The manager shall, in all cases, be subject to the authority and direction of the Mayor and City Council (Village President and Board of Trustees).

SECTION 4: Compensation and Terms of Appointment-The rate of compensation of the City (Village) Manager shall be set by the City Council and may be adjusted from time to time as the Council (Board) deems appropriate. Subject to the terms and conditions of state law and this ordinance, the City Council (Village Board) and the Manager shall enter into an employment agreement which specifies in writing the level of compensation of the Manager, fringe benefits including levels of support for the Manager's continuing professional education, agreements for separation pay upon termination of the Manager's employment, other appropriate agreements describing the working relationship between the Manager and elected officials, and Council's (Board's) performance expectations for the Manager. This agreement should be reviewed and revised by mutual agreement of the parties at periodic intervals of no more than one year's duration.

SECTION 5: Removal of the Manager from Office-The City (Village) Manager shall be subject at all times to removal from office by a majority vote of 3/5ths of the total membership of the City Council (Village Board).

Optional Section 5

SECTION 5: Removal of the Manager from Office-The City (Village) Manager may be suspended by a resolution approved by the majority of the total membership of the City Council (Village Board) which shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the City (Village) Manager. The Manager shall have fifteen days in which to reply thereto in writing and, upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one be requested, and after full consideration, the City Council (Village Board) by a majority vote of its total membership may adopt a final resolution of removal. The City (Village) Manager shall continue to receive full salary until the effective date of a final resolution of removal. (This provision is taken verbatim from the Model City Charter.)

SECTION 6: Powers and Duties-The City (Village) Manager shall be responsible to the Mayor and City Council (President and Board of Trustees) for the proper administration of all affairs of the

City (Village). In discharging this responsibility, the City (Village) Manager shall:

(1) Direct, supervise, and coordinate the administration of all departments, offices, and agencies of the City (Village), except as otherwise provided by law;

(2) Appoint and, when necessary for the good of the service, suspend or remove all city village) employees and appointive administrative officers except when otherwise provided for by law. All appointments and removals shall be based solely upon merit and on the qualifications or disqualifications of the individuals involved, without regard to race, sex, religious convictions, or political belief or affiliation. The City (Village) 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;

(3) Attend all City Council (Village Board) meetings. The City (Village) Manager shall have the right to take part in all discussions, but shall not vote;

(4) Provide for the enforcement of all laws and ordinances within the City (Village);

(5) Serve as City (Village) Budget Officer and prepare and submit to the City Council (Village Board), by the date set by the Council (Board), a recommended annual budget for City (Village) operations and a recommended capital program. When the annual budget or capital program have been approved by the City Council (Village Board), the City (Village) Manager shall be responsible for the administration of said budget or capital program;

(6) Submit to the City Council (Village Board) and make available to the public a complete report on the finances and administrative activities of the City (Village) as of the end of each fiscal year;

(7) Make such other reports as the City Council (Village Board) may require concerning the operations of city (village) departments, offices, and agencies;

(8) Keep the City Council (Village Board) fully advised as to the present financial condition and future needs of the City (Village);

(9) Advise the City Council (Village Board) on pending decisions of public policy and recommend to the Council (Board) the adoption of such measures as the Manager may deem necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;

(10) Be responsible for procurement of commodities and services for all City (Village) departments, offices, and agencies, and promulgate purchasing rules which shall be followed by employees in the procurement of goods and services;

(11) Propose to the City Council (Village Board) such personnel rules and regulations as the Manager deems necessary to manage the personnel policies of the City (Village);

(12) Be responsible for the conduct of all collective bargaining processes of the City (Village), and recommend to the City Council (Village Board) collective bargaining agreements for consideration and possible final approval by the Council (Board). The City (Village) Manager shall be responsible for administering all employee organization contracts reached through the collective bargaining process;

(13) Provide staff support services for the Mayor and members of the City Council (Village President and members of the Board of Trustees);

(14) Perform such other duties as may be specified by law or City (Village) ordinance or as may from time to time be requested by the City Council (Village Board).

SECTION 7: Bond-The City (Village) Manager shall furnish a surety bond in the amount of \$10,000 to be approved by the City Council (Village Board). The bond shall be conditioned on the faithful performance of the duties of the office. The premium for the bond shall be paid by the City (Village).

SECTION 8: Acting Manager-If, because of a temporary absence, disability, or illness, the City (Village) Manager is unable to carry out the functions of this office, the Mayor and City Council (Village President and Board of Trustees) may appoint a member of the City's (Village's) senior administrative staff to serve as acting manager and carry out the duties of the Manager during the Manager's absence.

SECTION 9: Matters Directed to Manager's Attention-No citizen or elected officer of the City (Village) shall dictate the appointment of any person to, or their removal from, office by the City (Village) Manager or by any of the Manager's subordinates. Except for the purpose of inquiry, elected City (Village) officers shall deal with the administrative service through the City (Village) Manager. Elected City (Village) officers shall not give

orders to any subordinates of the City (Village) Manager, either publicly or privately.

SECTION10: Authority of Other Officers-Nothing in this Ordinance shall be deemed to diminish or detract from the statutory powers and authority of the City's (Village's) elected officials.

SECTION11: Repealer -All ordinances, resolutions, and parts of such ordinances and resolutions in conflict with this Ordinance are hereby repealed.

APPROVED THIS _____ day of _____, 20__.

MAYOR/VILLAGE PRESIDENT