

Council Study Session

October 19, 2020

Agenda Item	Charter Amendment Clarifications	
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Item Type	Requested by Council <input type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input checked="" type="checkbox"/> Presentation <input type="checkbox"/>	

SUMMARY

In May 2020 voters approved a Charter amendment to transition Ashland City government from what is generally known as a “Mayor-Council” municipal structure to what is generally known as a “Council-Manager” municipal structure. With this change, the Mayor becomes the political head of city government – instead of the executive officer of city government. The amendment also abolishes the position of City Administrator and establishes the new position of City Manager as the chief executive and administrative head of city government. The new Charter provisions become effective January 1, 2021.

The Charter amendment necessitates multiple changes to the Ashland Municipal Code, some of which are substantial and most of which are simple changes from a current position title (City Administrator) to a new position title (City Manager). Council will be asked to approve these required Code changes on First Reading of proposed Ordinance No. 3192 at the October 20 meeting. In addition to mandating such ordinance changes, the Charter amendment raises some operational questions without providing clear answers. Hopefully, Councilmembers’ discussion during this Study Session will provide guidance on how to these questions are to be answered.

BACKGROUND AND ADDITIONAL INFORMATION

The Charter Amendment was clear as to a significant change in role of the Mayor and Council in the hiring, disciplining, and firing of senior managers, including department heads: It says “The City Manager must... Appoint, supervise and remove all non-elected department heads and other city employees”...except appointive officers (those who report directly to the Mayor and Council, such as City Attorney) and APRC employees. *Charter Amendment to Article VIII-A, Section 4.4.*

But the Charter Amendment is not so clear about other aspects of the roles of the Mayor, the Council, and the City Manager. The purpose of this Study Session discussion is to seek Council’s views on open questions about the effect of the Charter amendment and how best to answer those questions – whether through additional clarifying ordinances or simply through Council motions or agreed-upon revised Council practices. The issues on which staff is seeking Council clarification are posed as questions in Attachment 1.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATION AND REQUESTED ACTION

This agenda item is for discussion purposes only; no action is requested.

REFERENCES & ATTACHMENTS

Attachment 1: Charter Amendment Clarifications

ATTACHMENT 1

A. CHARTER AMENDMENT CLARIFICATIONS

1. Should the Mayor continue to be a person to whom a Councilor may report a concern about the performance of a particular staff person? *AMC 2.04.080E.*
2. Should the Mayor have sole authority to call an emergency meeting of the Council for ratification of a City Manager's Declaration of Emergency? *AMC 2.04.020E, and 2.62.020.*
3. Should the Mayor's role in establishing boards, commissions or ad hoc committees be revised?
 - a. [Background: Currently, Regular boards and commissions can be established by direction of the Mayor or the City Council. *AMC 2.04.090A.* And the Mayor has authority, with consent of Council, to form ad-hoc committees or task forces to deal with specific tasks within specific time frames. *AMC 2.04.090B.*]
4. Should the Mayor's role in appointment of members to serve on particular boards, commissions, or ad hoc committees be revised?
 - a. [Background: Generally, the Mayor's current such role is to propose appointment of members of such bodies, who then must be confirmed by the City Council. *AMC 2.04.090B, C and E* (Regular Commission and Board Membership Appointments); *AMC 2.13.020A* (Transportation Commission); *AMC 2.18.010* (Conservation Commission); *AMC 2.26.020* (Wildfire Safety Commission) and *AMC 2.27.010* (Climate Policy Commission).]
5. In the event of a vacancy on any advisory body, should the vacancy continue to be filled by appointment by the Mayor, with confirmation by the Council, for the remainder of the specified term? *AMC 2.10.020.*
6. Should the Mayor continue to be able on her/his own to add items to agendas for upcoming meetings? *AMC 2.04.030A.3.*
 - a. [Background: Currently, an item may be placed on an agenda (1) if requested by the Mayor, the City Administrator, or the City Attorney; (2) if requested by Council majority; (3) if requested by at least two Councilors in advance of the meeting and fewer than two hours of staff time is involved; (4) if required by law or policy; or (5) if requested by a City advisory body.]
7. Should the Mayor continue to have the unilateral ability to defer consideration of an agenda item scheduled for one meeting to a subsequent meeting instead? *AMC 2.04.030B.1.*
 - a. If not, should a Councilor's request for postponement of an agenda item continue to be directed to either the City Manager or the Mayor, or should the request be directed to just the City Manager? *AMC 2.04.030D.2.*
8. Should the Mayor continue to have the unilateral ability to change the order of business at a particular meeting? *AMC 2.04.050.*



9. Should a City Hall office continue to be dedicated solely for use by the Mayor?
 - a. [Background: currently, there is no meeting space set aside in City Hall for Councilmembers other than the Mayor.]

10. Whoever is the Interim City Administrator on December 31, 2020, will that individual become the City Manager pro tem effective January 1, 2021?
 - a. [Background: Clarification is warranted because the Charter amendment provisions on the details of the transition from City Administrator to City Manager are ambiguous. Section 10 of Article VIII-A of the Charter amendment says the individual “employed as Ashland City Administrator on the effective date of this Article VIII-A shall be the city manager....” Section 7 of the same article says the Council must appoint a manager pro tem when the office becomes vacant. Neither section specifically addresses the City’s likely situation on the effective date of the amendment, when an Interim City Administrator will be filling the position slated to be replaced by the City Manager position. Logically and practically, the Interim City Administrator would become the Interim City Manager (that is, “City Manager pro tem”) on January 1, 2021. Official Council affirmation of this transition (by motion or resolution) would help dispel possible confusion. Note: Section 7 of Article VIII-A of the Charter amendment says a pro tem City Manager may appoint or remove department heads only with Council approval.]

B. ANOTHER TIMELY QUESTION

1. After the Coronavirus State of Emergency ends, should attendance at City Council meetings by electronic communication continue to be allowed only upon suspension of the rule requiring in-person attendance? *AMC 2.04.040B*.

