

Council Business Meeting

December 3, 2019

Agenda Item	Ballot Measure for Charter Amendment – Creation of City Manager	
From	Dave Lohman	City Attorney
Contact	David.lohman@ashland.or.us	

SUMMARY

A group of ballot measure petitioners has proposed asking voters to approve an amendment to the Ashland City Charter to create the position of City Manager as the chief executive and administrative head of the City. The amendment would eliminate the position of City Administrator and would transfer executive officer duties from the Mayor to the City Manager. The proposed amendment is attached.

After consulting with the City Attorney, City Recorder, Melissa Huhtala, in her role as the City Elections Officer, has determined that the proposed amendment complies with Section 1 (2)(d) and (5)T of Article IV of the Oregon Constitution.

As required by statute, the City Attorney has provided a ballot title for the proposed Charter amendment and certified it to the City Elections Officer. “Ballot title” is a statutory term that has been interpreted to include (1) a caption that does not exceed 10 words identifying the subject of the petition; (2) a question that does not exceed 20 words plainly phrasing the main purpose of the petition so that an affirmative response to the question corresponds to a yes vote on the ballot; and (3) a summary that does not exceed 175 words concisely and impartially summarizing the petition and describing its major effect. The ballot title certified by the city attorney for the amendment proposed by the petitioners is attached.

This agenda item is for Council to determine whether to refer the proposed amendment—or a modified version of the amendment—to voters in the May 19, 2020 primary election. If Council decides not to place the proposed amendment on the ballot, the petitioners could utilize the initiative process for getting their proposed amendment on the ballot by gathering a sufficient number of petition signatures.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

None

BACKGROUND AND ADDITIONAL INFORMATION

Please refer to the attached proposed Charter Amendment, Ballot Title and Explanatory Statement.

FISCAL IMPACTS

There are no currently identified costs for this item.

STAFF RECOMMENDATION

N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to direct the City Recorder to file the necessary documents with Jackson County to have the question whether to amend the Ashland City Charter to establish a City Manager position for administration of city government as proposed by petitioners placed on the May 19, 2020 primary election for Jackson County.

2. I move to direct the City Recorder to file the necessary documents with Jackson County to have the question whether to amend the Ashland City Charter to establish a City Manager position for administration of city government as proposed by petitioners, with the following modifications placed, on the May 19, 2020 primary election for Jackson County: , , ,

REFERENCES & ATTACHMENTS

Attachment 1: Petitioners' Proposed Charter Amendment

Attachment 2: Ballot Title (Caption, Question, and Summary)

Attachment 3: Explanatory Statement

Ballot Language

Amend Ashland City Charter to Create City Manager Position

QUESTION

Shall Ashland amend its city charter to create a City Manager position to supervise all administrative aspects of city government?

SUMMARY

If approved, this measure would amend the Ashland City Charter to create the position of City Manager. The amendment designates the City Manager as the administrative head of the city and consolidates with the City Manager all administrative authority over city government functions, except for the Parks and Recreation Commission. The City Manager would have no authority over the Mayor and Council or other officers who are appointed directly by and report directly to the council, such as the City Attorney. The Council would be required to appoint a City Manager without regard to political considerations and solely based on education and experience with local government management.

Among other duties, the City Manager would administer all city ordinances, franchises, leases, contracts and city utilities, appoint, supervise and remove city employees (except for those employed by the Parks Commission), prepare the city budget and work with the Council on development of city policies.

Result of a no vote: Ashland's current administrative structure would remain in effect.

EXPLANATORY STATEMENT

The Ashland City Charter currently states that the "Mayor, with the confirmation by the Council, shall appoint a City Administrator." However the charter contains no language defining the duties or required qualifications of the administrator. In addition, the Charter and the Ashland Municipal Code reserves to the Mayor certain administrative duties in the areas of treasury and personnel functions. The charter states that the Mayor "shall sign all orders and warrants on the Treasury." The municipal code grants to the Mayor, with confirmation of the Council, the authority to hire and fire department heads. This proposed charter amendment consolidates all administrative authority for city government in a newly created position of City Manager. This amendment proposes no changes to the political powers and duties of the Mayor or the City Council and grants the City Manager no authority over the Mayor, Council or any other elected official.

The City Manager position as proposed would:

- Make reports and recommendations to the Mayor and Council about the needs of the city;
- Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
- Appoint, supervise and remove city employees, including all non-elected department heads, except for employees of the Parks and Recreation Commission and appointive officers of the City Council;
- Organize city departments and administrative structure, except that the City Manager shall have no responsibility for the administrative coordination of the Parks and Recreation Commission;

- Prepare and administer the annual city budget;
- Administer city utilities and property;
- Encourage and support regional and intergovernmental cooperation;
- Promote cooperation among the Council, staff and citizens in developing city policies, and building a sense of community;
- Perform other duties as directed by the Council;
- Delegate duties to any city employee, in a manner consistent with the provisions of the City Charter, the Ashland Municipal Code, state and federal employment law, and collective bargaining agreements.

BALLOT TITLE
FOR PROPOSED CHARTER AMENDMENT
ESTABLISHING POSITION OF CITY MANAGER

CAPTION

Amend Ashland City Charter to establish city manager position

QUESTION

Shall Ashland amend its Charter to establish a city manager position for administration of City government?

SUMMARY

If approved, this measure would amend the Ashland City Charter to create the position of city manager, eliminate the position of city administrator, and transfer executive officer duties from the Mayor to the city manager. The city manager would be the administrative head of the City, with all administrative authority over city government functions except for those administered by the Parks and Recreation Commission.

The City Council would appoint a city manager based on education and experience with local government management and without regard to political considerations.

Among other duties, the city manager would administer all City ordinances, resolutions, franchises, leases, contracts and City utilities; appoint, supervise and remove City employees; prepare the City budget; and work with the Council on development of City policies.

The city manager would have no authority over the Mayor and Council or other officers who are appointed directly by and report directly to the Council, such as the city attorney.

The result of a no vote: Ashland's current administrative structure would remain in effect.

EXPLANATORY STATEMENT
FOR PROPOSED CHARTER AMENDMENT
ESTABLISHING POSITION OF CITY MANAGER

The Ashland City Charter currently states that the “mayor, with the confirmation by the council, shall appoint a city administrator.” However, the Charter contains no language defining the duties or required qualifications of the administrator. In addition, the Charter and the Ashland Municipal Code reserve to the Mayor certain administrative duties in the areas of treasury and personnel functions. The Charter states that the Mayor “shall sign all orders and warrants on the Treasury.” The Municipal Code grants to the Mayor, with confirmation of the Council, the authority to hire and fire department heads. This proposed Charter amendment consolidates administrative authority for City government in a newly created position of city manager and transfers executive officer duties from the Mayor to the city manager. This amendment proposes no changes to the other political powers and duties of the Mayor or the City Council and grants the city manager no authority over the Mayor, Council or any other elected official.

The city manager position as proposed would:

- Make reports and recommendations to the Mayor and Council about the needs of the City;
- Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits, and other City decisions;
- Appoint, supervise and remove City employees, including all non-elected department heads, except that the City Council would have responsibility for appointing, supervising, and removing appointive officers of the City Council and the Parks and Recreation Commission would have responsibility for appointing, supervising, and removing its employees, subject to state law, Ashland Municipal Code, written mutual agreements between the City Council and Ashland Parks and Recreation Commission, and formal, written City administrative policies.
- Organize City departments administrative structure, except that the Parks and Recreation Commission would continue to have responsibility for control and management of lands dedicated for park purposes and control and management of all Parks funds.
- Prepare and administer the annual City budget;
- Administer City utilities and property;
- Encourage and support regional and intergovernmental cooperation;
- Promote cooperation among the Council, staff and citizens in developing City policies, and building a sense of community;
- Perform other duties as directed by the Council; and
- Delegate duties to any City employee, in a manner consistent with the provisions of the City Charter, the Ashland Municipal Code, state and federal employment law and collective bargaining agreements.