



Council Study Session

November 20, 2023

Agenda Item	City Manager Process & Next Steps		
From	Sabrina Cotta Molly Taylor	Acting City Manager HR Director	
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Item Type	Requested by Council <input checked="" type="checkbox"/> Update <input type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input type="checkbox"/> Consent <input type="checkbox"/> Public Hearing <input type="checkbox"/> New Business <input type="checkbox"/> Old Business <input type="checkbox"/>		

SUMMARY

On January 31, 2024, the position of City Manager will be vacant. The Mayor & Council will need to determine how they would like to proceed with filling that vacancy post January 31, 2024.

POLICIES, PLANS & GOALS SUPPORTED

Values: Excellence in governance and City services.

BACKGROUND AND ADDITIONAL INFORMATION

Direction on how to move forward with filling the City Manager is outlined in the City Charter.

ARTICLE VIII-A- CITY MANAGER

SECTION 2.

A majority of the Mayor and Councilors must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely based on education and experience with local government management.

SECTION 3.

The City Manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.

SECTION 7.

When the City Manager is temporarily disabled from acting as manager or when the office becomes vacant, the City Council must appoint a manager *pro tem*. The manager *pro tem* has the authority and duties of City Manager, except that a manager *pro tem* may appoint or remove department heads only with City Council approval.

FISCAL IMPACTS

The City Manager position has been budgeted for and HR has funds to retain a professional recruiting firm if so desired. HR also has the internal resources to run the recruitment process.

DISCUSSION QUESTIONS

- 1) Does Mayor and Council wish to appoint a *pro tem* and when?
- 2) Does Mayor and Council wish to make an appointment of a City Manager for a definite or indefinite term?





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- 3) Should the City hire a recruitment firm to oversee the recruitment process?
- 4) When would the City Council wish to start the recruitment process?

SUGGESTED NEXT STEPS

Option A) Give staff direction to hire a recruiting firm to begin the process of recruiting a new city manager.

Option B) Give staff direction to prepare internally for the Human Resources Department to oversee the recruitment.

Option C) Identify a *pro tem* and begin discussions on filling the position including timeline.

Option D) Identify a *pro tem* and *postpone discussion of permanent replacement to a future date*.

Option E) Identify an appointment and begin contract discussions.

Option D) Postpone discussion and decision to a future date.

Due to the upcoming Council calendar, staff recommends a decision on at least a pro tem be made at the January 16th City Council Business Meeting.

REFERENCES & ATTACHMENTS

Ashland City Charter Article VIII-A-City Manager

ARTICLE VIII-A - City Manager

Section 1. The office of City Manager is established as the chief executive and administrative head of city government. The City Manager is responsible to the Mayor and Council for the proper administration of all city business. The City Manager will assist the Mayor and Council in the development of city policies and will carry out policies established by ordinances and resolutions.

Section 2. A majority of the Mayor and Councilors must appoint and may remove the City Manager. The appointment must be made without regard to political considerations and solely based on education and experience with local government management.

Section 3. The City Manager may be appointed for a definite or an indefinite term and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.

Section 4. The City Manager must:

1. Attend all Council meetings unless excused by the Mayor or Council;
2. Make reports and recommendations to the Mayor and Council about the needs of the city;
3. Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
4. Appoint, supervise and remove all non-elected department heads and other city employees, except as follows:
 - a. The Ashland Parks and Recreation Commission shall 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.
 - b. Employees who report directly to the Mayor and City Council shall be appointed, supervised, and removed by the Mayor and City Council and shall be termed appointive officers.
5. Organize city departments and administrative structure, except that the City Manager shall have no responsibility for the supervision of the City Attorney's Office or the Ashland Parks and Recreation Commission;
6. Prepare and administer the annual city budget;
7. Administer city utilities and property;
8. Encourage and support regional and intergovernmental cooperation;
9. Promote cooperation among the City Council, staff and citizens in developing city policies and building a sense of community;
10. Perform other duties as directed by the City Council; and
11. 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.

Section 5. The City Manager has no authority over the Mayor or City Council or any other elected official, or the City Attorney.

Section 6. The City Manager and other employees designated by the City Council may sit at Council meetings but have no vote. The City Manager may take part in all City Council discussions.

Section 7. When the City Manager is temporarily disabled from acting as manager or when the office becomes vacant, the City Council must appoint a manager *pro tem*. The manager *pro tem* has the authority and duties of City Manager, except that a manager *pro tem* may appoint or remove department heads only with City Council approval.

Section 8. Neither the Mayor nor a member of the City Council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Manager in the making of any appointment or removal of any officer or employee or in the purchase of services and supplies; nor attempt to extract any promise relative to any appointment from any candidate for City Manager. Nothing in this section shall be construed, however, as prohibiting the City Council from fully and freely discussing with or suggesting to the City Manager anything pertaining to city affairs or the best interests of the city.

Section 9. No person related to the City Manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the city, except with the express approval of the City Council.

Section 10. This Article VIII-A shall be effective on January 1, 2021, if approved by the electors of Ashland in a primary or general election prior to that date. The individual employed as Ashland City Administrator on the effective date of this ARTICLE VIII-A shall be the City Manager as described above and shall remain so employed until such time as he/she resigns or is terminated by the City Council. The position of City Administrator is abolished. (Charter amendment 05-19-2020)