

RESOLUTION No. 2015-3238

A RESOLUTION AUTHORIZING A CITY MANAGER PRO TEM DESIGNATION FOR SHORT TERM ABSENCE OF THE CITY MANAGER, DESIGNATING A SUBSEQUENT CHAIN OF COMMAND, AND REPEALING PRIOR RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION

RECITALS:

1. The City Charter provides that the city manager is the administrative head of the city government. The city manager has broad administrative duties in carrying out the proper administration of the city's business. The city manager's office description, as set out in Chapter VIII in the Newberg City Charter, is hereby attached as Exhibit "A" and by this reference incorporated.
2. The city manager from time to time may be absent from the City for business and personal reasons or may be temporarily unable to act as the city manager due to injury, illness, or otherwise.
3. The Council using its authority to appoint a manager pro tem would like to provide for the smooth administration of City's business by providing for a manager pro tem who would automatically be able to assume the authority of the manager during these temporary times.
4. For short-term planned absences of up to one week duration, the Council's intent is to delegate to the City Manager the authority to appoint one of the management staff in the City to act as City Manager.
5. If the city manager's office becomes vacant due to the city manager's resignation or for any other reason, the Council would take formal action to appoint a manager pro tem for that interim.

NOW THEREFORE, THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. **Delegation to Appoint Acting City Manager for Planned Absence:** For times of planned absence, the City Council hereby delegates to the City Manager the authority to appoint an acting city manager from city management staff, for a period not to exceed seven (7) calendar days. Such appointment shall be in writing or by electronic communication and a copy shall be delivered to the City Council and City Department Heads at least 24 hours prior to the appointment.
2. **Appointment:** For all other instances in which the City Manager is absent from the City or unable to exercise the city manager's authority due to sickness, personal, or any other reason, the following line of succession will apply:

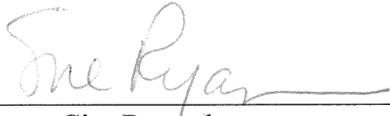
Community Development Director. When the city manager is off-duty, temporarily disabled or temporarily absent from the City, the community development director is appointed and will serve as the manager pro tem.

Public Works Director. When both the city manager and the community development director are off-duty, temporarily disabled or temporarily absent from the City, the public works director is appointed and will serve as the manager pro tem.

3. **Effective:** The above appointments take effect and will automatically be effective when the occurrences stated above take place. The appointment ceases when the city manager returns to duty.
4. **Authority:** The manager pro tem shall have all the authority as designated in Chapter VIII, Section 34, (h) of the City Charter. See Exhibit "A."
5. **Further Council Action:** If the city manager's office becomes vacant due to resignation or the Council otherwise determines there is a need to appoint a City Manager Pro Tem for an extended period, the Council reserves the right and indicates that it would be its' intention to appoint a person to serve and be designated as manager pro tem for an extended time period.
6. **Purpose:** The Council determines it is important for efficient operations of city government such as necessary signatures, approvals for day-to-day business that the normal exercise of city manager's administrative authority is available to carry on city business.
7. **Superseding Inconsistent Prior Resolutions:** This resolution amends and supersedes all prior resolutions addressing the appointment of manager pro tem to the extent those resolutions are inconsistent with this resolution, including but not limited to, Resolutions Nos. 2005-2557, 2007-2736, 2013-3053, and 2014-3159.

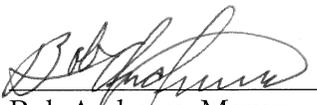
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 3rd, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of November, 2015.



Sue Ryan, City Recorder

ATTEST by the Mayor this 9th day of November, 2015.



Bob Andrews, Mayor

City Charter Excerpt

Exhibit "A"
to Resolution 2015-
3238
(total of 1 page)

CHAPTER VIII APPOINTIVE OFFICERS

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and councilors for the proper administration of all city business. The city manager will assist the mayor and councilors in the development of city policies, and carry out policies established by ordinances, resolutions, and orders.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city or the state at the time of appointment.

(d) The 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.

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, orders, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (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 council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council, city attorney, or the judicial functions of the municipal judge.

(g) The manager, the city attorney, and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in

administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.