



RESOLUTION No. 2016-3265

**A RESOLUTION UPDATING PERFORMANCE STANDARDS,
EVALUATION PROCESSES AND POSITION DESCRIPTIONS FOR
CHARTER POSITION EMPLOYEES**

RECITALS:

1. In accordance with the Newberg City Charter, the City Manager, City Attorney and Municipal Judge are classified as contract Charter position employees, and report directly to the Mayor and City Council and is supervised by the governing body.
2. The City has a contract with each of the Charter position employees and pursuant to those contracts, the City Council will evaluate their performance in executive session.
3. The Open Meetings Law of the state of Oregon allows the evaluation of the job performance of Charter position employees to be conducted in executive session by the City Council.
4. The City Councilors, and the Charter position employee will meet in executive session to discuss their annual evaluation.
5. The Quality Review Team will submit the Charter position employee's written evaluation, which will be placed in their personnel file after being adopted by the City Council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Mayor and Council President shall serve as a Quality Review Team to coordinate the Council's annual performance review of the City Manager, City Attorney and Municipal Judge. The City Council shall designate an alternate member of the Council who will only serve in the absence of the Mayor or Council President for any team meetings.
2. The performance evaluation forms for the City Manager, City Attorney and the Municipal Judge, attached as Exhibit A, have been updated to reflect the position's essential duties and responsibilities as outlined in their position descriptions, Exhibit B. These documents will be used as tools for evaluation of the performance of these Charter position employees and, by this reference, is hereby adopted.
3. The Charter position employees shall be given a copy of their position's evaluation form to review prior to the Quality Review Team beginning the annual evaluation process.

4. After the evaluation process is completed, the employee will be given a copy to sign and on which they may make any written comments; the completed written evaluation shall be placed in the employee's personnel file.
5. If the Charter position employee's performance review warrants a change to the employee's Employment Contract, said document will be prepared by the Human Resources Director at the direction of the Quality Review Team for presentation to the City Council for consideration and adoption.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 5, 2016.
ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of April, 2016.



Sue Ryan, City Recorder

ATTEST by the Mayor this 8th day of April, 2016.



Bob Andrews, Mayor

**CITY COUNCIL EVALUATION OF CITY MANAGER
FOR 20xx-20xx
By Authority of Resolution No. 2016-3265**

The Council adopted a rating system of one (1) to four (4):

- | | |
|---------------|---|
| One. | (1) is <i>Needs Improvement</i> |
| Two. | (2) is <i>Developing</i> |
| Three. | (3) is <i>Fully Effective</i> |
| Four. | (4) is <i>Exceeds Expectations</i> |
| N/O | <i>No Opinion or Not Observed</i> |

I. PERFORMANCE EVALUATION

Directions: Write a number on the line in front of each item using the rating scale to represent your assessment of performance for the required knowledge and skills, and the typical examples of work in the position description. The numerical rating is an attempt to quantify opinions and judgments about specific areas of responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability.

1. Management:

_____ Responsible for the management and supervision of all city departments, agencies, and offices, with the exception of the City Attorney and his/her staff and the Municipal Judge, to achieve established goals within available resources by appropriately delegating duties.

_____ Oversees the administration of workloads and staff assignments by studying, standardizing, and determining work roles, responsibilities, and procedures to improve efficiency and effectiveness of operations; preparing work schedules to expedite workflow.

_____ Appoints and removes all department heads, officers, and employees of the city, except for members of the City Council and Charter position's and their employees.

_____ Assures the training, motivation, and evaluation of city staff and directs changes as needed.

Directions: Using the overall rating scale, circle the number to evaluate the overall area of responsibility.

Overall Rating for this Area of Responsibility:

Criteria 1	1	2	3	4	N/O
Management	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement* or (4) *Exceeds Expectations*.

* Comments: _____

2. Planning Goals:

- _____ Provides leadership and direction in the development of short and long-range plans with city staff and City Council.
- _____ Oversees the administration of plans, reviews progress, and directs changes as needed, based on new developments in technology, legislation, practices, and regulations.
- _____ Investigates, integrates, and implements technology where administratively and fiscally feasible.
- _____ Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
- _____ Coordinates department activities with other departments and agencies as needed.

Overall Rating for this Area of Responsibility:

Criteria 2	1	2	3	4	N/O
Planning Goals	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

3. Communications:

- _____ Provides written and oral professional advice to the City Council and department heads in a timely, clear, thorough, and concise manner.
- _____ Communicates official plans, policies, and procedures to staff and to the general public.
- _____ Presents information to councils, boards, commissions, civic groups, and to the general public.
- _____ Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
- _____ Maintains harmony among City staff; provides direction and instruction in a constructive manner; accepts differing opinions in a positive manner; and, works to resolve issues.

Overall Rating for this Area of Responsibility:

Criteria 3	1	2	3	4	N/O
Communications	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

4. Fiscal Agent/Budget Officer:

_____ Assures that assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities

_____ Performs cost control activities and monitors revenues and expenditures in all departments, to assure sound fiscal control and to encourage innovative practices.

_____ Prepares annual proposed budget and ensures that the budget addresses the City Council’s goals and objectives.

Overall Rating for this Area of Responsibility:

Criteria 4	1	2	3	4	N/O
Fiscal Agent/ Budget Officer	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

5. Community Relations:

_____ Performs and assists City staff in performing duties to adjust errors and to address complaints.

_____ Projects a positive public image and is courteous to the public at all times.

_____ Assures ample public promotion of City initiatives in cooperation with respective staff.

_____ Maintains effective relations with media representatives.

_____ To build a sense of Community, promotes cooperation among the City Council, staff, and citizens in developing policies.

Overall Rating for this Area of Responsibility:

Criteria 5	1	2	3	4	N/O
Community Relations	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

6. Intergovernmental/Interagency Relations:

_____ Maintains effective communication with local, regional, state, and federal government agencies.

_____ Actively pursues financial resources (grants) from other agencies.

_____ Contributes to good government through participation in local, regional, state, and professional committees and organizations.

_____ Lobbies effectively with legislators and state agencies regarding city programs and projects.

Overall Rating for this Area of Responsibility:

Criteria 6	1	2	3	4	N/O
Intergovernmental/ Interagency Relations	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

II. OVERALL EVALUATION:

Criteria 7	1	2	3	4	
Overall Evaluation	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

Signature _____

Date _____

Printed Name _____

**CITY COUNCIL EVALUATION OF CITY ATTORNEY
FOR 20XX-20XX**

By Authority of Resolution No. 2016-3265

The Council adopted a rating system of one (1) to four (4):

- One (1) is *Needs Improvement***
- Two (2) is *Developing***
- Three (3) is *Fully Effective***
- Four (4) is *Exceeds Expectations***
- N/O *No Opinion or Not Observed***

I. PERFORMANCE EVALUATION

Directions: Write a number on the line in front of each item using the rating scale to represent your assessment of performance for the required knowledge and skills, and the typical examples of work in the position description. The numerical rating is an attempt to quantify opinions and judgments about specific areas of responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability.

1. Management:

_____ Responsible for the management and supervision of the Legal Department to achieve goals within available resources; appoints and removes all department staff.

_____ Appropriately delegates duties and responsibilities to Legal staff; oversees the administration of workloads and staff assignments.

_____ Standardizes procedures to improve efficiency and effectiveness of operations; prepare work schedules to expedite workflow.

_____ Assures the training, motivation, and evaluation of Legal Department staff and directs changes as needed.

Directions: Using the overall rating scale, circle the number to evaluate this overall area of responsibility.

Overall Rating for this Area of Responsibility:

Criteria 1	1	2	3	4	N/O
Management	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

2. Planning Goals:

- _____ Provides leadership and direction in the development of short and long-range plans with Legal staff and City Council.
- _____ Administers plans, reviews progress, and directs changes as needed based on new developments in technology, legislation, best practices, and regulations.
- _____ Investigates, integrates, and implements technology where administratively and fiscally feasible.
- _____ Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
- _____ Coordinates department activities with other departments and agencies as needed.

Overall Rating for this Area of Responsibility:

Criteria 2	1	2	3	4	N/O
Planning Goals	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

3. Communications:

- _____ Provides written and oral professional legal advice to the City Council, City Manager, and department heads in a timely, clear, thorough, and concise manner.
- _____ Communicates official plans, policies, and procedures to Legal staff and to the general public.
- _____ Presents information to councils, boards, commissions, civic groups, and to the general public.
- _____ Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
- _____ Maintains harmony among Legal staff; provides direction and instruction in a constructive manner; accepts differing opinions in a positive manner; and, and works to resolve issues.
- _____ Timeliness of communication to City Council and staff.

Overall Rating for this Area of Responsibility:

Criteria 3	1	2	3	4	N/O
Communications	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

4. Fiscal Agent:

- _____ Assures assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
- _____ Performs cost control activities and monitors revenues and expenditures in the Legal Department, to assure sound fiscal control and to encourage innovative practices.
- _____ Prepares annual department budget requests and administers the department's adopted budget.

Overall Rating for this Area of Responsibility:

Criteria 4	1	2	3	4	N/O
Fiscal Agent	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

5. Community Relations:

- _____ Performs, and assists City staff in performing their duties in addressing issues and complaints.
- _____ Projects a positive public image and is courteous to the public at all times.
- _____ Maintain effective relations with media representatives.
- _____ To build a sense of Community, promotes cooperation among the City Council, staff, and citizens in developing policies.

Overall Rating for this Area of Responsibility:

Criteria 5	1	2	3	4	N/O
Community Relations	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

6. Intergovernmental/Interagency Relations:

- _____ Maintains effective communication with local, regional, state, and federal government agencies.
- _____ Provides legal advice to City staff pursuing financial resources (grants) from other agencies.
- _____ Contributes to good government through participation in local, regional, state, and professional committees and organizations.
- _____ Confers with colleagues with specialty areas of law to establish and verify basis for legal proceedings; and serves as a liaison between outside legal counsel and City officials on specialized legal issues.

Overall Rating for this Area of Responsibility:

Criteria 6	1	2	3	4	N/O
Intergovernmental/ Interagency Relations	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

7. Consultative Legal Services:

- _____ Advises the City Council of current and future-focused legal trends; issues legal opinions.
- _____ Advises City officials of changes to state or federal laws affecting City operations.
- _____ Interprets laws, rulings, and regulations for City officials and staff.
- _____ Recommends for adoption by the City Council such measures deemed necessary and expedient.

Overall Rating for this Area of Responsibility:

Criteria 7	1	2	3	4	N/O
Consultative Legal Services	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

8. Legal Preparation:

_____ Drafts ordinances, resolutions, contracts, agreements, deeds, leases, and franchises; reviews documents prepared by other departments, agencies, and parties.

_____ Approves ordinances, resolutions, and contracts as to legal form; provides legal advice as to substance.

_____ Gathers evidence in civil, criminal, and other cases to formulate defense or to initiate legal action; conducts research; interviews clients and witnesses, and handles other details in preparation for trial; prepares legal briefs, arguments and testimony; develops strategy in preparation for presentation in cases; files briefs in the appropriate court.

_____ Represents the City in court and before quasi-judicial or administrative agencies of government.

Overall Rating for this Area of Responsibility:

Criteria 8	1	2	3	4	N/O
Legal Preparation	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion Not Observed

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

II. OVERALL EVALUATION:

Overall	1	2	3	4
Summary	Needs Improvement	Developing	Fully Effective	Exceeds Expectations*

Directions: Use the space below to record specific comments for ratings of: 1) *needs improvement*, or 4) *exceeds expectations*.

Comments: _____

Signature _____

Date _____

**CITY COUNCIL EVALUATION OF MUNICIPAL JUDGE
FOR 20XX-20XX
By Authority of Resolution No. 2016-3265**

The Council adopted a rating system of one (1) to four (4):

One (1) is *Needs Improvement*
Two (2) is *Developing*
Three (3) is *Fully Effective*
Four (4) is *Exceeds Expectations*
N/O *No Opinion or Not Observed*

I. PERFORMANCE EVALUATION

Directions: Write a number on the line in front of each item using the rating scale to represent your assessment of performance for the required knowledge and skills, and the typical examples of work in the position description. The numerical rating is an attempt to quantify opinions and judgments about specific areas of responsibility. While subjective, it suggests a useful emphasis or relative degree of acceptability.

1. Case Management, Impartiality and Judicial Conduct. Ability to analyze and appraise case facts, rules of evidence and jurisdiction. Ability to maintain judicial impartiality and judicial temperament in cases. Ability to manage court environment to ensure individuals are heard and respected; to maintain an appearance of independence; and to maintain a professional court appearance. Ability to maintain a non-discriminatory attitude and behavior regarding, but not limited to race/ethnicity, religion, gender, age, disability, and sexual orientation.

- _____ Evaluates cases with defendants and their attorneys.
- _____ Provides information to attorneys and citizens regarding warrants, appeals and hearing dates and locations.
- _____ Establishes policies regarding security, fines, and the entry and docketing of judgments and other matters touching the conduct of proceedings in the court; identifies cases which may be processed by the clerk of the court for individuals who do not desire a formal court appearance; issues warrants as required.
- _____ Produces an acceptable quantity and quality of work that is completed within established timelines.
- _____ Behaviors on and off the bench reflect well upon the City.
- _____ Behavior reflects positively on the judge's character, competence, temperament, and fitness to serve.
- _____ Conduct and rulings reflect unbiased actions regarding race/ethnicity, religion, gender, age, disability, and sexual orientation.

Directions: Using the overall rating scale, circle the number to evaluate the overall area of responsibility.

Overall Rating for this Area of Responsibility:

Criteria 1	1	2	3	4	N/O
Case Management, Impartiality & Judicial Conduct	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion or Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

2. Knowledge of Law, Legal Practices and Court Management. Expert knowledge of law and general legal principles and practices, including alternative sentencing practices. Knowledge of local ordinances and codes. High-level knowledge of state and constitutional laws specifically relating to traffic regulations, violations, and misdemeanors.

_____ Presides over trials and renders judgments for misdemeanor crimes, traffic violations, violations of City Codes and any other cases within the jurisdiction of the municipal court.

_____ Presides over pretrial conferences, arraignments, motion hearings, traffic hearings, jury and non-jury trials and various other court matters as required for the city.

_____ Presides at arraignment and trial of persons charged with violating municipal codes; deliberates on and decides cases tried before the court without a jury; conducts legal research on cases before the court; prepares and gives instructions to the jury on applicable law in jury trials; rules on motions, probation and contempt matters.

_____ Keeps current on local, current events, as well as court enhancements, technologies, and alternative sentencing programs of comparable municipal courts and brings and applies innovations to the Newberg Municipal Court.

_____ Administers oaths in an action, suit or proceeding pending before the court and in all other cases where it may be necessary in the exercise of the court’s powers or the performance of duties.

_____ Authorizes issuance of failure to appear, failure to comply and contempt warrants.

_____ Arraigns persons in custody, sets security amounts, reviews fines, and issues warnings.

_____ Issues process for the arrest of any person accused of an offense against the city, commits any such person to jail or admits such person to bail pending trial, issues subpoenas, compels witnesses to appear and testify in any case before the court, compels obedience to such subpoenas, issues any process necessary to carry into effect the judgments of the court and punishes for contempt of court.

_____ Finds defendants “guilty” or “not guilty,” “responsible” or “not responsible,” or “in violation” or “not in violation” in non-jury trial proceedings based upon evidence; imposes sentencing.

_____ Writes opinions; stays current with municipal law changes; performs required duties.

_____ Provides for the orderly conduct of proceedings before the court or before its officers.

_____ Develops safe work habits and follows all safety policies, procedures, and techniques in order to contribute to safety of self, co-workers and the general public.

Overall Rating for this Area of Responsibility:

Criteria 2	1	2	3	4	N/O
Knowledge of Law, Legal Practices & Court Management	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

3. Inter-departmental Relations. Ability to work effectively with elected officials, employees, public agencies and the general public.

_____ Cooperates with the City Manager through the Finance Director, concerning day-to-day operations of the Court and supervision of the Court staff.

_____ Cooperates with the City Attorney concerning the legal functioning of the court while maintaining independence as to judicial decisions and responsibilities.

_____ Administers programs in conjunction with the City Attorney, Police and Court staff.

_____ Follows standards as outlined in the Employee Manual (Personnel Rules & Regulations).

Overall Rating for this Area of Responsibility:

Criteria 3	1	2	3	4	N/O
Interdepartmental Relations	Needs Improvement*	Developing	Full Effective	Exceeds Expectations*	No Opinion or Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

4. Fiscal Planning & Goals. Ability to manage and initiate court programs in cooperation with the city attorney and court staff to secure compliance with court orders, fines, assessments, and sentences. Ability to communicate clearly and concisely, orally and in writing.

_____ Develops and recommends to the Mayor and City Council the annual and long-range plans and goals for the court.

_____ Reports to the Mayor and City Council semiannually on the operations of the court, goals, and accomplishments.

_____ Works with the Court Administrator to establish and administer the organization, policies and priorities for the court.

Overall Rating for this Area of Responsibility:

Criteria 4	1	2	3	4	N/O
Fiscal Planning & Goals	Needs Improvement*	Satisfactory Performance	Excellent Performance	Exceeds Expectations*	No Opinion or Not Observed

Directions: Use the space below to record specific comments for ratings of (1) or (4) *Exceeds Expectations*.

* Comments: _____

II. OVERALL EVALUATION:

Overall Summary	1	2	3	4	N/O
	Needs Improvement*	Developing	Fully Effective	Exceeds Expectations*	No Opinion or Not Observed

Directions: Use the space below to record specific comments for ratings of (1) *needs improvement*, or (4) *Exceeds Expectations*.

* Comments: _____

Signature _____

Date _____

Printed Name _____

**CITY OF NEWBERG
POSITION DESCRIPTION**

Class Title:	City Manager	Salary:	Contract
Department:	Administration	FLSA Status:	Exempt
Location:	City Hall	Date:	March 2016

SUMMARY OF DUTIES & RESPONSIBILITIES

Performs high-level administrative, technical, and professional work in directing and supervising the administration of city government. The City Manager is responsible for preparing and administering the budget for the City of Newberg. The City Manager demonstrates knowledge of all laws, ordinances, resolutions, and orders to ensure that they are performed in good faith.

The City Manager is an appointive officer of the City as provided for in Chapter VIII, Section 34 of the Charter. This excerpt follows:

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.

SUPERVISION RECEIVED

The City Manager works under the broad policy guidance of the City Council, and is subject to its direction.

SUPERVISION EXERCISED

The City Manager shall exercise supervision over all municipal employees either directly or through department heads and supervisors, exclusive of the City Attorney, Legal Department staff and Municipal Judge.

TYPICAL EXAMPLES OF WORK

The City Manager may perform a combination of some or all of the following duties that are a representative sample of the level of work appropriate to this position. However, these examples do not include all duties that an employee may be expected to perform, as directed by the City Council.

- Management:
 - a. Responsible for the management and supervision of all City departments, agencies, and offices with the exception of the City Attorney and his/her staff and the Municipal Judge, to achieve goals within available resources by appropriately delegating duties.
 - b. Oversees the administration of workloads and staff assignments by studying, standardizing, and determining work roles, responsibilities, and procedures to improve efficiency and effectiveness of operations; preparing work schedules to expedite workflow.
 - c. Appoints and removes all department heads and employees of the City, except for Charter positions and their employees.
 - d. Assures the training, motivation, and evaluation of City staff and directs changes as needed.

- Planning Goals:
 - a. Provides leadership and direction in the development of short and long-range plans with the City staff and the City Council.
 - b. Oversees the administration of plans, reviews progress, and directs changes as needed, based on new developments in technology, legislation, practices, and regulations.
 - c. Investigates, integrates, and implements technology where administratively and fiscally feasible.
 - d. Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
 - e. Coordinates department activities with other departments and agencies as needed.

- Communications:
 - a. Provides written and oral professional advice to the City Council and department heads in a timely, clear, thorough, and concise manner.
 - b. Communicates official plans, policies, and procedures to staff, the media, and to the general public.
 - c. Presents information to councils, boards, commissions, civic groups, and to the general public.

- d. Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
 - e. Maintains harmony among City staff; provides direction and instruction in a constructive manner; accepts differing opinions in a positive manner; and works to resolve issues.
- Fiscal Agent/Budget Officer:
 - a. Assures that assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities, and time in compliance with federal, state and local laws.
 - b. As budget officer, performs cost control activities and monitors revenues and expenditures in all departments, to assure sound fiscal control and to encourage innovative practices.
 - c. As budget officer, prepares annual budget requests and ensures that the budget addresses the City Council's goals and objectives.
- Community Relations:
 - a. Advises and assists City staff in performing duties to adjust errors and to address complaints.
 - b. Projects a positive public image and is courteous to the public at all times.
 - c. Assures ample public promotion of City initiatives in cooperation with respective staff.
 - d. Maintain effective relations with media representatives.
 - e. Promotes cooperation among the City Council, staff, and citizens in developing policies and to build a sense of community.
- Intergovernmental Relations:
 - a. Maintains effective communication with local, regional, state, and federal government agencies.
 - b. Actively pursues financial resources (grants) from other agencies.
 - c. Contributes to good government through participation in local, regional, and state committees and organizations.
 - d. Effectively represents City programs and projects with legislators and state agencies in coordination with the City Council and Mayor.
 - e. Keeps the City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

QUALIFICATIONS - EDUCATION, EXPERIENCE, AND CERTIFICATION

A Baccalaureate degree is required, with a Master's Degree preferred, from an accredited college or university in public administration, political science, business management, or a closely related field; five (5) years of experience as a high-level director, preferably in a municipality; possession of, or the ability to obtain appropriate, recognized professional certification; must be bondable, and possess a valid state driver's license.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Extensive knowledge of modern policies and practices of public administration; working knowledge of municipal finance, human resources, public works, public safety, and community development.
- Knowledge of state laws and local ordinances, resolutions, and orders; oversees that they are faithfully performed.
- Skill in preparing and administering municipal budgets; skill in planning, directing, and administering municipal programs.

- Ability to prepare and analyze comprehensive reports; ability to carry-out assigned projects to their completion; ability to effectively communicate verbally and in writing; ability to establish and maintain effective working relationships with employees, City officials, and the public; ability to efficiently and effectively administer a municipal government.
- Demonstrate effective personal traits such as initiative, creativity, judgment, fairness, and impartiality; demonstrates respect for individuals and for City equipment and resources.
- Ability to foster a work environment that supports and encourages the investigation and implementation of innovative applications.
- Ability to deal with distraught or difficult individuals.
- Ability to attend meetings and activities outside of normal working hours.
- Ability and willingness to travel as needed and perform the duties and responsibilities.

PHYSICAL DEMANDS

While performing the duties of this job, the employee is frequently required to speak or hear; sit; use hands to handle, feel or operate objects, tools, or controls; and reach with hands and arms; stand or walk for considerable distances or time. Must occasionally lift and move up to 20 pounds. Specific vision abilities include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation will be made to meet the needs of a qualified individual with limitations who can perform the essential functions of the job. Most functions will be performed in an indoor office like setting with infrequent exposure to outside weather conditions.

TOOLS AND EQUIPMENT USED

Skilled in operating standard office equipment and a computer with word processing, database, and spreadsheet software, and the ability to operate a motor vehicle.

This position description does not constitute an employment agreement between the City Council and the employee and is subject to change by the Council as the needs of the City and requirements of the job change.

SELECTION GUIDELINES

The selection process will be set forth as determined by the City Council.

Approval by Motion on this ____ day of _____, 2016.

By: _____
Mayor

Signature Attest that Motion was duly passed accepting position description.

Revision History: Adopted and approved by Resolution No. 2015-3240 on November 16, 2015.

CITY OF NEWBERG POSITION DESCRIPTION

Class Title	City Attorney	Salary:	Contract
Department:	Legal	FLSA Status	Exempt
Location:	City Hall	Date:	March 2016

SUMMARY OF DUTIES & RESPONSIBILITIES

Performs high-level administrative, technical, and professional work in negotiating and finding creative solutions to issues in effort of preventing potential claims and lawsuits, drafting legal documents, preparing court briefs, prosecuting crimes, responding to and conducting civil lawsuits, advising city elected officials and staff as to legal rights, limitations, and obligations; and other legal practices applicable to state, local and federal law.

The City Attorney is an appointive officer of the City as provided for in Chapter VIII, Section 35 of the Charter. This excerpt follows:

Section 35. City Attorney.

The office of City Attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the Attorney. The Attorney must appoint and supervise, and may remove any City Attorney's office employees.

SUPERVISION RECEIVED

The City Attorney works under the broad policy guidance of the City Council, and is subject to its direction.

SUPERVISION EXERCISED

The City Attorney shall exercise supervision over Legal Department employees either directly or through subordinate supervisors.

TYPICAL EXAMPLES OF WORK

The City Attorney may perform a combination of some or all of the following duties that are a representative sample of the level of work appropriate to this position. However, these examples do not include all duties that an employee may be expected to perform, as directed by the City Council. The following examples do not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of employer and requirements of the job change consistent with contract of employment.

- Management:
 - a. Responsible for the management and supervision of the Legal Department to achieve goals within available resources; by appropriately delegating duties.
 - b. Oversees the administration of workloads and staff assignments by studying, standardizing, and determining work roles, responsibilities, and procedures to improve efficiency and effectiveness of operations; preparing work schedules to expedite workflow.
 - c. Appoints and removes all department staff.
 - d. Assures the training, motivation, and evaluation of legal department staff and directs changes as needed.

- Planning Goals:
 - a. Provides leadership and direction in the development of short and long-range plans with the legal staff and City Council.

- b. Administers plans, reviews progress, and directs changes as needed, based on new developments in technology, legislation, best practices, and regulations.
 - c. Investigates, integrates, and implements technology where administratively and fiscally feasible.
 - d. Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
 - e. Coordinates department activities with other departments and agencies as needed.
- Communications:
 - a. Provides written and oral professional legal advice to the City Council, City Manager, and department heads in a timely, clear, thorough, and concise manner.
 - b. Communicates official plans, policies, and procedures to legal department staff and to the public.
 - c. Presents information to councils, boards, commissions, civic groups, and to the general public.
 - d. Production of the weekly “Legal Bulletin” to the City Council.
 - e. Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
 - f. Maintains harmony among Legal Department staff; provides direction and instruction in a constructive manner; accepts differing opinions in a positive manner; and, and works to resolve issues.
- Fiscal Agent:
 - a. Assures that assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities, and time.
 - b. Performs cost control activities and monitors revenues and expenditures in Legal Department, to assure sound fiscal control and to encourage innovative practices.
 - c. Prepares an annual Legal Department budget and administers their adopted budget.
- Community Relations:
 - a. Performs, and assists City staff in performing their duties in addressing issues and complaints.
 - b. Projects a positive public image and is courteous to the public at all times.
 - c. Maintain effective relations with media representatives.
 - d. To build a sense of Community, promotes cooperation among the City Council, staff, and citizens in developing policies.
- Intergovernmental/Interagency Relations:
 - a. Maintains effective communication with local, regional, state, and federal government agencies.
 - b. Provides legal advice to City staff pursuing financial resources (grants) from other agencies.
 - c. Contributes to good government through participation in local, regional, state, and professional committees and organizations.
 - d. Confers with colleagues with specialty areas of law to establish and verify basis for legal proceedings; and serves as a liaison between outside legal counsel and City officials on specialized legal issues.
- Consultative Legal Services:
 - a. Advises the City Council of current and future-focused legal trends: issues legal opinions.
 - b. Advise City officials of changes to state or federal laws affecting City operations.
 - c. Interprets laws, rulings, and regulations for City officials and staff.
 - d. Recommends for adoption by the City Council such measures deemed necessary and expedient.

- Legal Preparation:
 - a. Drafts ordinances, resolutions, contracts, agreements, deeds, leases, and franchises; reviews documents prepared by other departments, agencies, and parties.
 - b. Approves ordinances, resolutions, and contracts as to legal form; provides legal advice as to substance.
 - c. Gathers evidence in civil, criminal, and other cases to formulate defense or to initiate legal action; conducts research; interviews clients and witnesses, and handles other details in preparation for trial; prepares legal briefs, arguments and testimony; develops strategy in preparation for presentation in cases; files briefs in the appropriate court
 - d. Represents the City in court and before quasi-judicial or administrative agencies of government.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

QUALIFICATIONS - EDUCATION, EXPERIENCE, AND LICENSURE

Graduation from an accredited law school with a Juris Doctor degree in law, three (3) years of experience as a practicing attorney, a license to practice law in the state, member in good standing of the state Bar Association, and a valid state driver's license.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Extensive knowledge of state statutes relating to municipal affairs, and laws relating to the purchase of goods and services, contracting, labor, employment, land use, environment, and traffic.
- Working knowledge of modern policies and practices of municipal law and public administration.
- Knowledge of state laws and local ordinances, resolutions, and orders; ensures that they are faithfully performed.
- Skill in preparing briefs and enforcing all provisions of the City's franchises, leases, contracts, and other legal documents.
- Ability to prepare and analyze comprehensive legal reports; ability to carry-out assigned projects to their completion; ability to effectively communicate verbally and in writing; ability to establish and maintain effective working relationships with employees, City officials, the court system, and the public; ability to efficiently and effectively administer a municipal legal department.
- Demonstrate effective personal traits such as initiative, creativity, judgment, fairness, and impartiality; demonstrates respect for individuals and City's franchises, leases, and contracts.
- Ability to foster a work environment that supports and encourages the investigation and implementation of innovative applications.

PHYSICAL DEMANDS

While performing the duties of this job, the employee is frequently required to talk or hear; sit; use hands to handle, feel or operate objects, tools, or controls; and reach with hands and arms; stand or walk for considerable distances or time. Must occasionally lift and move up to 25 pounds. Specific vision abilities include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK CONDITIONS

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation will be made to meet the needs of a qualified individual with limitations who can perform the essential functions of the job.

1. Must be bondable.
2. Ability to deal with distraught or difficult individuals.

3. Ability to attend monthly staff meetings and activities outside of normal working hours.
4. Ability and willingness to travel as needed and perform the duties and responsibilities.
5. May serve as City Manager pro tem in the absence of the City Manager.

REQUIRED TOOLS AND EQUIPMENT USED

Skilled in operating personal computer, including word processing, database, and spreadsheet management, motor vehicle; ten-key calculator; phone; copy, scanner, and fax machine.

SELECTION GUIDELINES

The selection process includes a formal application; rating of education, experience, and certification; oral interview; and reference and background checks.

Approval by Motion on this ____ day of _____, 2016.

By: _____
Mayor

Signature Attest that Motion was duly passed accepting position description.

Revision History: Adopted and approved April 23, 2013, via Resolution No. 2013-3079;
Adopted and approved July 6, 2010, via Resolution No. 2010-2912

City of Newberg Position Description

Title:	Municipal Court Judge	Salary:	Contract
Department:	Finance	FLSA Status:	Exempt
Division:	Municipal Court	Date:	March 2016

SUMMARY OF DUTIES & RESPONSIBILITIES

Performs judicial activities and oversees the judicial functions of the court, ensuring conformance with legal and departmental requirements. Works under general employment, provisions set forth by the city council. Generally, there will be an employment contract. The city council is empowered to appoint and remove the municipal judge at its discretion.

The Municipal Court Judge is an appointive officer of the city as provided for in Section 36 of the Charter. This excerpt follows:

Section 36 Municipal Court and Judge.

- (a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- (b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- (c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- (d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.
- (e) The municipal judge may:
 - (1) Render judgments and impose sanctions on persons and property;
 - (2) Order the arrest of anyone accused of an offense against the city;
 - (3) Commit to jail or admit to bail anyone accused of a city offense;
 - (4) Issue and compel obedience to subpoenas;
 - (5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - (6) Penalize contempt of court;
 - (7) Issue processes necessary to enforce judgments and orders of the court;
 - (8) Issue search warrants; and
 - (9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- (f) The council may appoint and may remove municipal judges pro tem.
- (g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

SUPERVISION RECEIVED:

The judge functions pursuant to direction of the city council. The mayor is the official contact person. The judge operates independently as to judicial decisions, responsibilities and functions.

SUPERVISION EXERCISED:

The Judge shall exercise supervision over the court personnel concerning their in-court and municipal court responsibilities. The day-to-day job supervision and evaluation of the court personnel shall be the

responsibility of the Finance Director. The supervision and evaluation of the Bailiff shall be the responsibility of a designee of the Police Department. The Judge will consult and cooperate with the Finance Director concerning all aspects of the operation of the court and court personnel. The hiring and termination of court personnel shall be done following City personnel procedures for employees who are responsible to the City Manager. The day-to-day supervision, the responsibility for budgeting, and evaluation of court personnel may be reassigned or reorganized by the City Manager.

SUPERVISION RECEIVED

The Municipal Judge works under the broad guidance of the City Council and is a position designated by Charter.

The Finance Director is responsible for preparing and auditing the Municipal Court annual budget.

SUPERVISION EXERCISED

Court support staff take direction from the Municipal Judge while Court is in session. The Court Administrator is supervised by the Finance Director; the Court Administrator supervises the Court Clerk. A Police Department designee provides supervision to the Bailiff.

TYPICAL EXAMPLES OF WORK

The Municipal Court Judge may perform a combination of some or all of the following duties which are a representative sample of the level of work appropriate to this position. However, these examples do not include all the specific tasks that an employee may be expected to perform.

- Presides over trials and renders judgments for misdemeanor crimes, traffic violations, violations of City Codes and any other cases within the jurisdiction of the municipal court.
- Presides over pretrial conferences, arraignments, motion hearings, traffic hearings, jury and non-jury trials and various other court matters as required for the city.
- Finds defendants “guilty” or “not guilty,” “responsible” or “not responsible,” or “in violation” or “not in violation” in non-jury trial proceedings based upon evidence and imposes sentencing as required.
- Authorizes issuance of failure to appear, failure to comply and contempt warrants.
- Arraigns persons in custody, sets security amounts, reviews fines, and issues warnings.
- Evaluates cases with defendants and their attorneys.
- Provides information to attorneys and citizens regarding warrants, appeals and hearing dates and locations.
- Administers programs in conjunction with the city attorney, police and court staff.
- Works with the court administrator to establish and administer the organization, policies and priorities for the court.
- Develops and recommends to the mayor and city council the annual and long-range plans and goals for the court.
- Reports to the mayor and city council semiannually on the operations of the court, goals, and accomplishments.
- Writes opinions; stays current with municipal law and changes; performs related duties as required.
- Provides for the orderly conduct of proceedings before the court or before its officers.
- Administers oaths in an action, suit or proceeding pending before the court and in all other cases where it may be necessary in the exercise of the court’s powers or the performance of duties.
- Issues process for the arrest of any person accused of an offense against the city, commits any such person to jail or admits such person to bail pending trial, issues subpoenas, compels witnesses to appear and testify in any case before the court, compels obedience to such subpoenas, issues any process necessary to carry into effect the judgments of the court and punishes for contempt of court.
- Cooperates with the City Manager through the Finance Director, concerning day-to-day operations of the court and supervision of the court staff.
- Cooperates with the City Attorney concerning the legal functioning of the court while maintaining independence as to judicial decisions and responsibilities.

- Presides at arraignment and trial of persons charged with violating municipal codes; deliberates on and decides cases tried before the court without a jury; conducts legal research on cases before the court; prepares and gives instructions to the jury on applicable law in jury trials; rules on motions, probation and contempt matters.
- Establishes policies regarding security, fines, and the entry and docketing of judgments and other matters touching the conduct of proceedings in the court; identifies cases which may be processed by the clerk of the court for individuals who do not desire a formal court appearance; issues warrants as required.
- Follow standards as outlined in the Employee Manual (Personnel Rules & Regulations).
- Produces an acceptable quantity and quality of work that is completed within established timelines.
- Develops safe work habits and follows all required safety policies, procedures and techniques in order to contribute to safety of self, co-workers and the general public.
- Keeps current on local, current events, as well as court enhancements, technologies, and alternative sentencing programs of comparable municipal courts and brings and applies innovations to the Newberg Municipal Court.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

QUALIFICATIONS - EDUCATION / LICENSE REQUIREMENTS

Juris Doctor Law degree and a minimum of five (5) years' experience in the area of municipal law, trial experience or as an administrative hearings officer, arbitrator or judge; or any equivalent combination of experience and training that demonstrates the knowledge, skill and abilities described above. Member in good standing with the Oregon State Bar. Possession of a valid Driver License and have proper insurance if required to drive for work-related activities.

REQUIRED KNOWLEDGE AND SKILLS

- Expert knowledge of law and general legal principles and practices, including alternative sentencing practices.
- Knowledge of local ordinances and codes.
- High-level knowledge of state and constitutional laws specifically relating to traffic regulations, violations and misdemeanors.
- Ability to analyze and appraise case facts, rules of evidence and jurisdiction.
- Ability to maintain judicial impartiality and judicial temperament in cases.
- Ability to maintain a non-discriminatory attitude and behavior regarding, but not limited to, race/ethnicity, religion, sex, age, disability and sexual orientation.
- Ability to communicate clearly and concisely, orally and in writing.
- Ability to work effectively with elected officials, employees, public agencies and the general public.
- Ability to manage court environment to ensure individuals are heard and respected; to maintain an appearance of independence; and to maintain a professional court appearance.
- Ability to manage and initiate court programs in cooperation with the city attorney and court staff to secure compliance with court orders, fines, assessments, and sentences.

PHYSICAL DEMANDS

While performing the duties of this job, the employee is frequently required to talk or hear; sit; use hands to handle, feel or operate objects, tools, or controls; and reach with hands and arms; stand or walk for considerable distances or time. Must occasionally lift and/or move up to 25 pounds. Specific vision abilities include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

WORK CONDITIONS

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodation will be made to meet the needs of a qualified individual with limitations who can perform the essential functions of the job.

- 1. Deals with distraught or difficult individuals.
- 2. Ability to attend monthly staff meetings and/or activities outside of normal working hours.
- 3. Ability and willingness to travel as needed and perform judicial services for jury trials, jail arraignments, and handle time-sensitive matters outside of normal court hours.
- 4. Available for the issuance of warrants during non-court hours.

TOOLS AND EQUIPMENT USED

Personal computer, including word processing, database, and spreadsheet management, motor vehicle; ten-key calculator; phone; copy, scanner, and fax machine.

This position description does not constitute an employment agreement between the City Council and the employee and is subject to change by the Council as the needs of the City and requirements of the job change.

Approval by Motion on this ____ day of _____, 2016.

By: _____
Mayor

Signature Attest that Motion was duly passed accepting position description.

Revision History: Adopted and approved January 4, 2010 with an Effective Date of February 1, 2010, via Resolution No. 2010-2884.