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## Chapter 2.12 CITY MANAGER\*

Sections:

- [2.12.010](#) Council-manager form of government.
- [2.12.020](#) Appointment of city manager.
- [2.12.030](#) Removal of city manager.
- [2.12.040](#) Powers and duties of the city manager.
- [2.12.050](#) Restrictions on city manager.
- [2.12.060](#) City council/city manager relations.

\* Prior legislation: Ord. 274.

### **2.12.010 Council-manager form of government.**

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The council-manager form of government is adopted for the town. The office of city manager is hereby established. The city manager shall be the chief executive and administrative officer of the town, subject to policies established and budgets adopted by the city council. (Ord. 596 (part), 2012)

### **2.12.020 Appointment of city manager.**

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The city manager shall be appointed by the city council on the basis of his or her executive and administrative qualifications, and shall serve and hold office at the pleasure of the city council.

The city manager need not be a resident of the town, and shall be selected solely for his or her executive and administrative qualifications, abilities, and experience.

No person present or past city council member shall be eligible for appointment to the position of city manager until at least two years after last serving as a council member.

In the event of the disability of the city manager, or at his or her request, the city council may appoint an acting city manager. (Ord. 596 (part), 2012)

### **2.12.030 Removal of city manager.**

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The city manager shall not be removed from office within a period of sixty days next succeeding any municipal election held in the town at which election a member of the city council is elected; nor shall the city manager be removed from office within a period of sixty days after appointment of a new city council member appointed to take the place of a previously elected city council member.

Should the city council desire to remove the city manager, it shall express its intent and reasons in writing to the city manager. The city manager may, within seven days of receipt of the written notice of intent to remove him or her, by written request to the city clerk, request a public hearing before the city council. The city council shall fix a time for the public hearing, which shall be held at its usual meeting place at least ten days after, but not later than thirty days after, the date of publication of the notice.

The city manager may appear and be heard at the public hearing. After the public hearing, the city council may remove the city manager by resolution with or without cause stated, or may suspend him or her from duty. In either event, manager's salary and benefits shall continue until terminated.

The city council shall have the absolute right and authority to remove the city manager, and its action shall be final, and shall not depend on any particular showing or degree of proof at the public hearing, the sole purpose of which is to allow the city manager publicly to present his or her grounds for opposition to removal prior to the city council taking final action for removal. (Ord. 596 (part), 2012)

#### **2.12.040 Powers and duties of the city manager.**

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The city manager shall be responsible to the city council for the efficient administration of all affairs of the town and shall have the following powers and duties:

- A. Appoint, remove, and discipline all town department heads and employees, except for the city attorney and city attorney staff; provided, however, that the city manager may delegate this authority to the several department heads, through a personnel ordinance, but shall retain the authority to approve, modify or disapprove all recommendations from department heads for such appointment, removal and disciplinary actions to be taken against employees by department heads to whom such authority has been delegated;
- B. Direct and supervise the administration of all departments, offices and agencies of the town in all respects and without exception;
- C. Prepare an annual budget and submit and administer the town budget and capital improvement plan as set forth in the municipal code;
- D. Keep the city council fully informed and advised of the financial, administrative, physical and operational condition of the town and of its future needs in each area, and make such recommendations and present such plans and programs concerning the affairs of the town as he or she shall deem to be necessary or desirable;
- E. Provide for the enforcement and faithful execution of all laws, ordinances, rules, regulations, and such other actions as the city council shall direct, delegating such enforcement and execution actions as are appropriate and necessary to the various town departments;
- F. Administer all contracts of which the town is a party, and assure that the town's interests are safeguarded, terms are enforced and all elements of any contract are faithfully administered, delegating such oversight and authority to the several departments and offices as he or she shall deem appropriate;
- G. Make such special reports to the city council as he or she deems necessary and appropriate, or as the city council shall request or direct, including reports concerning the operations of the town departments, offices and agencies;
- H. Attend all city council meetings unless excused by the mayor;

- I. Investigate any matter involving the town or its affairs, and any department, office or agency or organizational component of the town, and any contract, to assure the proper, faithful and legal performance of any obligation of the town;
- J. Investigate all complaints regarding matters concerning the administration of the town and regarding the town's employees;
- K. Enforce the terms of all franchises, permits and privileges held by any party relative to the town to assure that the terms and conditions of such franchises, permits and privileges are faithfully observed;
- L. Exercise general supervision of all public buildings, parks, real and personal property, assets, utilities, streets and other public properties which are under the ownership, control or jurisdiction of the town;
- M. Coordinate all activities of the various departments, offices and agencies of the town, and of its boards, committees and commissions so as to improve the efficiency, economy, effectiveness, harmonious relationships and public service capabilities of the town government and all its components;
- N. Carry out and enforce all policies of the city council and all rules, regulations and ordinances adopted by it relating to the administration of the affairs and activities of such departments, divisions, offices, agencies, services, boards, committees and commissions;
- O. Serve as public relations and information officer of the town, and follow through and endeavor to adjust all just complaints filed against and service requests filed with any employee, department, division, office, organizational component or agency of the town;
- P. Cooperate with all community organizations whose purpose is to serve the welfare and best interests of the town and of its people, businesses and organizations, and to provide such persons, businesses and organizations, within lawful limits, appropriate governmental assistance;
- Q. Prepare, recommend to the city council, and maintain a personnel system;
- R. Perform such other duties and exercise other powers as may be delegated to him or her from time to time by ordinance or resolution. (Ord. 596 (part), 2012)

#### **2.12.050 Restrictions on city manager.**

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The actions of the city manager shall be restricted in the following ways:

- A. He or she shall engage in no incompatible business, occupation or activities;
- B. He or she may not attend any closed session of the city council when dismissal of or other disciplinary actions involving himself or herself are discussed;
- C. He or she shall devote full time to the duties and interests of the town; provided, however, that limited activities not incompatible with the position of city manager may be permitted by the town

upon request to the city council;

D. He or she shall not act on any subject when directed, ordered, or asked to do so by less than a majority of the city council, unless, in the opinion of the city manager, such action would not involve the establishment of a precedent, be incompatible with existing town policies and procedures, or result in the disadvantage of the town, of any individual council member or of the city council as a body;

E. He or she shall abide by the Code of Ethics of the International City Management Association, and deviation therefrom shall be grounds for dismissal or disciplinary action by the city council;

F. He or she shall comply with all provisions of the laws of the state regarding conflicts of interest, declaration of economic interests, and other matters involving potentially incompatible activities as set out by state law, the municipal code, and applicable town ordinances, resolutions, rules and regulations. (Ord. 596 (part), 2012)

#### **2.12.060 City council/city manager relations.**

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A. Neither the mayor nor any council member shall interfere with the execution of the powers and duties of the city manager, and the city manager shall take his or her direction from the city council only during meetings of the city council.

B. Except for purposes of inquiry, the mayor and council members shall deal with the administrative service solely through the city manager and neither the mayor nor any council member shall give any order or instruction to any subordinate of the city manager. (Ord. 596 (part), 2012)

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#### **The Atherton Municipal Code is current through Ordinance 597, passed October 17, 2012.**

Disclaimer: The City Clerk's Office has the official version of the Atherton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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