



To: Volunteer Citizen-Based Charter Committee

From: Cathy Standiford, Partner

Subject: Interrelationship between Mayor, Common Council and City Manager as Described by the Operating Practices for Good Government

Date: August 11, 2015

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The Charter Committee is considering elements that should be included in the Charter “skeleton.” In April 2015 the City’s elected and appointed officials executed a document entitled “Operating Practices for Good Government” (OPGG). OPGG is intended to clarify various roles and responsibilities articulated in the charter to ensure effective and efficient governance as the City works to emerge from bankruptcy.

The interrelationship between the Common Council, Mayor and City Manager was discussed during the July 28, 2015 Charter Committee meeting. During the discussion, the OPGG was reviewed as a possible source for ensuring clarity of roles and responsibilities in the charter document. Management Partners was directed to review the OPGG and identify the practices that might lend themselves to inclusion in the Charter. The purpose of this memorandum is to transmit those practices.

The OPGG clarifies roles and responsibilities for the Common Council, Mayor, Common Council and Mayor (as a single governing body), the City Attorney and City Manager. The following are verbatim excerpts from the OPGG document that have applicability as potential charter provisions consistent with best practices.

## **Common Council**

1. The role of the Common Council is legislative in character, which includes the power to set policy, approve contracts and agreements and undertake other obligations consistent with the Charter and Code, while deferring to the discretion of management and staff to choose the appropriate means to achieve the Council’s goals.
2. The Common Council, as the elected body serving all of the residents of the City, shall perform its duties and exercise its powers in a manner that serves the best interests of the entire City, rather than any particular geographic area or special interest.

## **Mayor**

1. The Mayor will build consensus with the Common Council to create and implement a shared vision and plan of implementation to restore the City’s fiscal integrity.

2. The Mayor will establish and maintain partnerships and regional leadership roles to advance the City's interest.
3. The Mayor will be the key "face" and chief spokesperson for the City.
4. The Mayor will be the presiding officer at meetings of the Common Council and will fully participate in discussions.
5. The Mayor will, consistent with the separation of powers contemplated by a reasonable reading of the City Charter, not interfere with the discretion of the City Manager in the exercise of his powers and performance of his duties under the City Charter.
6. The Mayor will work with the Common Council and City Manager to coordinate goal setting and the performance evaluation of the City Manager

### **Mayor and Common Council**

1. The Mayor and Common Council will jointly develop clear expectations of the City Manager and hold him/her accountable by conducting performance evaluations every six (6) months. (Note: A common practice is for the timing and/or frequency of performance evaluations to be articulated in the City Manager's employment agreement.)
2. The Mayor and Common Council will develop and implement norms (Code of Conduct) to guide and direct their interactions and duties, including measures to hold one another accountable for deviations from the goals and principles set forth in the City Charter, City Code and these Operating Practices.
3. Neither the Mayor nor the Common Council will interfere with the judgement and discretion of management staff with respect to the duties that are typically managerial in nature, such as the appointment, removal and supervision of subordinate staff.
4. Neither the Mayor nor the Common Council will direct departmental staff (other than those in their own departments).

### **City Attorney**

The City Attorney will focus his attention and resources on the performance of his duty as chief legal officer to provide legal advice to the Mayor, Common Council and City Manager, and the management of his office, and shall leave the formulation of policy and managerial matters exclusively to those officials charged by the City Charter with those duties.

### **City Manager**

1. The City Manager will be the sole authority for managing City operations and directing City staff in those departments under his supervision.
2. The City Manager will make business and policy recommendations based solely on his or her independent professional judgement and best practices in the interests of the City, rather than political considerations, and to this end shall strictly guard against interference with the performance of his duties.
3. The City Manager will be accountable for the implementation of Council goals and policy and the overall performance of the City.



4. The City Manager will be responsible for ensuring that the Common Council and Mayor are fully informed on all aspects of important emerging issues, and as part of that responsibility will fully brief the Common Council at their Council Meetings on business matters before them.

