

CITY MANAGER CONTRACTS

January 8, 2010

WHY YOUR CITY SHOULD WANT YOU TO HAVE ONE

1. Contracts exist to clearly define the rights of both parties
2. Stability
3. Politically better for council
4. Transition is easier for both

TRENDS WITH CONTRACTS

1. Pay catching school officials and getting more competitive
2. Severance and other benefits
3. Multi-year
4. Easy renewal
5. Deferred incentives for staying
6. Declining revenues will cause greater scrutiny by public and elected officials

STATUTES THAT AFFECT YOU – TERM - OLD LAW

11 Okla.Stat 10-112

The council shall appoint a city manager for an indefinite term by a vote of a majority of all its members.

STATUTES THAT AFFECT YOU – TERM - NEW LAW

The council shall appoint a city manager . . . by a vote of a majority of all its members subject to the terms of employment established by the council.

WHAT IT MEANS TO YOU

- No longer requires all contracts to be “for an indefinite term”
- Power given to council to set terms
- “Just cause” vs. “employee at will”
- Due process / hearing rights can be set by contract
- Renewal set by contract

STATUTES THAT AFFECT YOU – RESIDENCY – OLD LAW

At the time of his appointment, the city manager need not be a resident of the city or state; but during the tenure of his office he shall reside within the city.

STATUTES THAT AFFECT YOU – RESIDENCY – NEW LAW

At the time of appointment, the city manager need not be a resident of the city or state; but during the tenure of holding office the city manager shall reside within the boundaries of the city, the school district or districts that overlap the city boundaries, or within ten (10) miles of the city or school district.

WHAT IT MEANS TO YOU

- Greatly expanded area for residency
- More flexibility with job options

Specific contract terms

- The “Cooling Off” period:
- Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Employer to terminate the services of Employee at any time, subject only to the provisions of the City Charter and Code of Ordinances and as set forth in this Agreement.

- However, in recognition of the need for the City to maintain stability in the operations of government, and in recognition of the professional responsibilities placed upon the City Manager, and in consideration of creating the best possible working environment for the organization, the parties agree that the following procedure should be established concerning those situations that could arise in which termination of employment is to be considered. The parties agree that prior to the City initiating any termination proceeding:

Any council member who desires to include an agenda item to discuss the termination of the City Manager shall, fourteen days prior to doing so, advise the City Manager of the basis for termination, in writing, and provide the City Manager not less than twenty business days to provide a written response.

If the written response does not resolve the dispute to the satisfaction of the councilmember, the Mayor, City Manager and councilmember shall meet to attempt to resolve the dispute.

If upon meeting, the dispute is not resolved, the possible termination of the City Manager may be included on a council agenda.

These procedures shall not apply to any allegation of criminal conduct and shall not apply to any other review of performance in which the council desires to evaluate, review, or discuss the job performance of the City Manager.

DISCUSSION TOPICS

1. What does it take to make your job a better job?
2. What can you do to make your job more stable?
3. How do we make public service more enjoyable for the elected officials?
4. How do we deal with the difficult boss?
5. How do we deal with public criticism?
6. How much is enough or too much?

WORKING RELATIONSHIPS

- What does the elected official expect from its City Manager
- What does the City Manager expect from elected officials