

## MEMORANDUM

TO: CITY COUNCIL

FROM: CITY ATTORNEY

RE: QUESTION ABOUT CHANGING NAME FROM CITY ADMINISTRATOR TO CITY MANAGER

DATED: June 3, 2010

At the May 17, 2010 Council meeting a question was asked whether the City Charter would need to be amended if the Council wished to change the title of the City Administrator to City Manager. After the Council meeting, I looked at our Charter Section 3.05. That Section is entitled Administrative Officer. Historically, the position has been known as the City Administrator. That title is consistent with what are commonly thought of as the duties of a city administrator as contrasted to the duties of what the name city manager connotes.

The scope of duties for either a city administrator or city manager, however, is not cast in stone and duties bestowed on a city administrator or a city manager may vary from city to city. I do not believe that the designation of 'city administrator' is compelled by the Charter, although the title of city administrator is typically associated with the specific duties enumerated in Charter Section 3.05 and Section 3.01, and those set out in the Albany Municipal Code.

Until about 1977, the position and duties of city administrator were combined with what were the duties and title for the public works director. Charter Section 3.01 empowers the City Council to abolish, create, or reorganize departments as necessary for the proper administration of the City. The Charter does not set out a long list of duties for the City Administrator. The Albany Municipal Code, Chapter 2, Sections 2-3.2 and 2-3.4 enumerates specific duties. The Charter does state that except for the elected city attorney and treasurer, the Council shall appoint all officers and department heads. I believe that this power of appointment probably has resulted in the position being called "City Administrator", simply because the common practice is that city administrators don't have broad powers of appointment while city managers more typically do.

With this information in mind, the question exists whether Charter Section 3.05 would have to be amended if the Council were to determine that it wished to change the position's title from City Administrator to City Manager.

I believe that the Council can legally designate a name change without seeking a voter approved amendment to the Charter. If an amendment is desired, such an amendment could be as simple as adding a phrase to the first sentence of Section 3.05 such as: "..., the title of such position being designated by ordinance or resolution."

Alternatively, the Council might consider amending Section 2-3.1 of the Municipal Code to state that the Administrative Officer shall be known as the City Manager, unless otherwise designated.

Whether the Council wishes to change the name from City Administrator to City Manager appears to be more of a policy issue than a legal one. If the duties remain the same as those set out in the Municipal Code in 2-3.2 and 2-3.4, then the Council may want to retain the name 'City Administrator' because those duties are consistent with duties that are more typically attached to city administrators. In particular, if duties of either appointment or termination are attached to the Administrative Officer, then the Council may want to consider changing the name of the position to City Manager. No matter what the name of the position is, I do not believe the Charter must be amended.