

Dear City Council Members:

At its May meeting, the Charter Review Committee voted 6-0 (one member was absent) to recommend that the City Council not change the title of the City Administrator (Administrative Officer) to City Manager unless the duties of this position also changed to reflect the accepted use of the City Manager title.

These two titles, while not following the same definitions in each and every city, do have generally accepted and expected roles and responsibilities, particularly among professional City Administrators and City Managers. The title of City Manager is used when the position includes the authority to appoint and terminate department heads, as noted in the June 3 memorandum from the City Attorney. Using the title of City Manager, without this authority, would be seen as inconsistent and perhaps even as a sham.

Consistent with the unanimous motion at our May meeting, the Charter Review Committee recommends that the City Council not change the title of City Administrator to City Manager without a change in the responsibilities of this position.

Michael Wallace  
Chairman, Charter Review Committee

Report of the Albany Charter Review Committee  
Roles of City Administrator and City Manager  
Reviewed at the April 26, 2010 Charter Review Meeting

**BACKGROUND**

At the December 7, 2009 City Council meeting, agenda topic 10.4 proposed referring to Charter Review Committee (CRC) consideration of a Charter change in the title of City Administrator to City Manager. The mayor noted that the 2009 CITYGATE report on City organization recommended Albany's City Administrator role be transformed into a City Manager role. In the course of deliberation, the scope of the proposal was expanded to the possibility of substantive duty changes. Per the minutes of the meeting, Council unanimously passed a motion, "...to refer to the Charter Review Committee the issue of a possible Charter Amendment changing the structure of Albany's government from a City Administrator to a City Manager. The Committee was asked to investigate the typical roles of a City Administrator and City Manager in other cities and to come back to the Council in three (3) months."

Subsequently Council extended the three month timeframe to the second Council meeting in May.

**DISCUSSION**

CRC used four sources to investigate typical roles of a City Administrator and City Manager:

1. Discussion with City Administrator Beth Pollard
2. Discussion with City Manager Belinda Espinoza from the City of Pinole
3. National Civic League's Model City Charter (8<sup>th</sup> edition, 2003, pp 26-27)
4. Jared M. Dailey, Assistant Program Manager, Ethics and Form of Government, International City/County Management Association (ICMA)

Detailed information from each of these sources is in appendices A – D. Extracts from the City Charter and Albany City Code concerning this position (called "Administrative Officer" in the Charter) are in appendices E and F of this report.

**Key Distinctions between City Administrator and City Manager Roles**

All sources agreed that the typical distinction between City Administrator and City Manager roles is the ability of the City Manager to hire and fire top City staff, while the City Administrator's role is limited to giving advice about hiring and firing to a City Council or Mayor. This is also the same distinction stated in the September 2009 CITYGATE report on Albany's Organization, page IV-3.

In addition there is the potential for the City Manager role to have greater policy responsibility than does the City Administrator role. This amount of policy responsibility can be tailored for a city.

The Model City Charter's list of job duties for a typical City Manager is in appendix C.

## **PROS and CONS**

Some pros and cons related to the hiring/firing authority emerged from CRC's discussions about roles. Additional work can be done in this area as Council wishes; below is the list to date:

### **City Administrator Pros:**

Hiring and firing decisions may seem fairer because at least three (elected) officials must concur  
Tradition: Albany is accustomed to a role definition that appears to have worked well for decades

### **City Administrator Cons:**

Hiring and firing decisions may require more time and documentation  
Many elected officials do not have the professional background/perspective in human resources  
City Administrator inability to hire/fire may be less appealing as a career opportunity  
Can be difficult for any administrator to be effective in managing without hiring/firing authority

### **City Manager Pros:**

Policy execution capability may be enhanced by hire/fire authority for key staff  
Key personnel actions may be accomplished more quickly and easily  
Some consider the title "City Manager" more prestigious than "City Administrator"

### **City Manager Cons:**

A single person's decision may occasionally be less considered than the judgments of three or more  
Albany voters may prefer to retain a structure that seems to work well

## **APPENDICES - DETAILED INFORMATION FROM SOURCES**

- A. **Albany City Administrator Beth Pollard** talked with CRC at the December 15, 2009 meeting, as reported in the approved minutes:

City Administrator Beth Pollard initiated the discussion on City Administrator vs. City Manager by stating that a City Manager can hire and fire staff, but a City Administrator does not have this power. This provides a sense of accountability for a City Manager, and a professional relationship with staff. There is a closer relationship with department heads with a City Administrator. When Council does not hire and fire City staff, then it is not involved with personality issues.

- B. **City Manager Belinda Espinoza from the City of Pinole** talked with CRC at the January 25, 2010 meeting, as reported in the approved minutes:

Ms. Espinoza stated that she has been a City Manager for 18 years stating that she advocates having a professional City Manager and noted that the main difference between a City Manager and City Administrator is that a City Manager has the authority to hire and fire employees. Ms. Espinoza believes that the City Council should set the policy and the City Manager should take care of the day-to-day operation of the City.

Committee Members and Ms. Espinoza discussed different scenarios with the Committee Members asking questions. The Committee asked where they could obtain information regarding the differences and Ms. Espinoza directed them to the website of the International

City Manager's Association (ICMA) noting that there should be reports and case studies for the Committee to review.

**C. From the National Civic League's *Model City Charter* (8th edition, 2003), pp.26-27, Section 3.04. Powers and Duties of the City Manager**

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the city council may require concerning operations;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city;
- (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (10) Provide staff support services for the mayor and council members;
- (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;
- (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
- (14) Perform such other duties as are specified in this charter or may be required by the city council.

**Commentary (from IPMC)**

Although this section equips the manager with the necessary legal authority to discharge administrative responsibilities, the manager's authority may be limited in some states by provisions of state constitutions or laws. The listing of the manager's powers and duties assumes that the manager will not only perform managerial duties in the city's operations but will also have a significant role in the development of policy. There are important policy implications in the manager's duties to prepare and submit the budget; to report on the city's finances, administrative activities, departmental operations and future needs; and to make recommendations on city affairs. The duty to provide staff support for the mayor and council members includes providing information on policy issues before the council.

The expanded duties listed in items 9, 11, and 13 of the eighth edition reflect the complex responsibilities assigned to managers to make the processes of governance work in the community. Constructive interactions among the local government, businesses, non-profits, faith-based and special interest organizations and neighborhood groups define a successful community. In a similar manner, the responsibilities anticipated in item 12 charge the manager with placing each community in the context of its region and promoting both community and regional interests.

**D. Jared M. Dailey, Assistant Program Manager, Ethics and Form of Government, International City/County Management Association (ICMA) (email to Mike Wallace)**

Administrators and managers do perform similar duties but there are some differences that distinguish the two. Usually, but not always, one can determine municipal form of government by the title of the chief administrative officer (CAO: administrator = mayor-council; manager = council-manager). In the mayor-council form of government, the mayor has the administrative authority to hire/fire city employees, and prepares and submits the budget to the council. The administrator assists the mayor in these job duties and is hired/appointed and responsible to the mayor.

In the council-manager form of government – the form which ICMA advocates – there is a strict separation of power between legislative/policy-making (the governing body and the mayor/council president) and the administration (manager). The governing body sets the mission, values, and agenda for the community and the manager implements those policies as he/she sees fit. The manager is hired and responsible to the entire governing body. The manager can be terminated by the governing body at any time for any reason. He/She hires and fires all city employees, and prepares and submits the annual budget. The mayor, if there is one, serves as the political head of the council; interacts with county and state officials; gives a state of the community address; and performs ceremony roles. The manager, in a council-manager form, remains politically neutral so that city services are provided to residents in an equitable fashion.

Items that distinguish administrators and managers are:

- To whom/what body does the CAO report
- How is the CAO hired
- Does the CAO have full responsibility for:
  - hiring/firing employees
  - budget preparation/submission
  - implementation of policy

These differences are summarized in the table below that was created by Michael Wallace:

<b>Municipal Government</b>	<b>Mayor-Council</b>	<b>Council-Manager</b>	<b>City of Albany</b>
To whom/what body does the CAO report	Mayor	Council	Council
How is the CAO hired	Mayor	Council	Council
Who has responsibility for:			
○ hiring/firing employees	Mayor	Manager	Council
○ budget preparation/submission	Mayor	Manager	Administrator
○ implementation of policy	Mayor	Manager	Administrator

**E. Extracts from Albany City Charter regarding “Administrative Officer” and appointment of officers and department heads**

SECTION 3.05. ADMINISTRATIVE OFFICER. The Administrative Officer shall be the administrative head of the government of the City. As such, the Administrative Officer shall be responsible to the Council for the efficient implementation of its policy and effective administration of all the affairs of the City government which the office controls. Any action, determination or omission of the Administrative Officer or staff shall be subject to review by the Council, but no individual Councilmember or the Mayor shall overrule, change or modify any such action, determination or omission except by affirmative vote of at least three (3) members of said Council at a duly constituted session.

The Administrative Officer shall advise and make recommendations to the Council concerning any conditions or governmental situations which need Council direction or policy determination.

The Administrative Officer will insure that the Council as a whole or as individuals are permitted timely and complete freedom of access to requested information.

The Administrative Officer shall be chosen on the basis of executive and administrative qualifications, as defined by ordinance. (Added, ratified, April 21, 1981)

SECTION 3.01. OFFICERS AND EMPLOYEES. All officers and department heads, except as otherwise provided, shall be appointed by the City Council and shall hold office at the pleasure of the City Council.

**F. Extracts from Albany City Code regarding qualifications and duties of Administrative Officer (as mentioned in the Charter at the end of section 3.05)**

**2-3 ADMINISTRATIVE OFFICER.**

**2-3.1 Appointment.**

The Administrative Officer shall be appointed by the City Council and serve at and during the pleasure of the Council; provided, however, the Administrative Officer shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election in the City at which election a member of the Council is elected, except by a unanimous vote of the members of the Council. Such person shall be chosen on the basis of his or her executive and administrative qualifications.

The purpose of this provision is to permit any newly elected member of the Council to observe the actions and ability of the Administrative Officer in the performance of the powers and duties of the office.

As severance consideration when removed from the office by the City Council, the Administrative Officer shall be entitled to be paid for a period of ninety (90) days after receiving formal notice of termination. (Ord. #58-043, 1958 Code §2.60)

### **2-3.2 Duties.**

The Administrative Officer shall have the following duties:

- a. Subject to the provisions of the Charter, to suspend and discipline all officers, department heads and employees; to nominate for appointment by the Council, Officers, department heads and employees; and recommend for dismissal of same to the Council. This subsection shall not apply to those department heads and Officers who are elected thereto by Charter. A department head disciplined by the Administrative Officer may appeal the action to the City Council, which appeal procedure shall be in accordance with and pursuant to the Personnel Rules and Regulations.<sup>1[1]</sup>
  - b. To supervise the administrative affairs of the City, and as directed by the City Council.
  - c. To make such recommendations to the Council concerning the affairs of the City, including the proposal of ordinances and resolutions as the Administrative Officer finds necessary for effective management or in the public interest.
  - d. To keep the Council advised of the financial condition of the City, and future needs of the City, and make and supply such financial reports to effectuate the purpose of this subsection.
  - e. To see that the ordinances of the City and the applicable laws of the State are enforced.
  - f. To direct the purchasing activities for the City and all of its agencies.
  - g. To oversee the operations of departments and other agencies of the City, and of all contracts to which the City is a party, and to assure proper performances.
  - h. To see that all permits, privileges and franchises granted by the City are faithfully performed.
  - i. When directed by the City Council, to represent the City in its inter governmental relations, and to negotiate contracts for joint-governmental actions, subject to Council approval.
  - j. To exercise general supervision over all public property under control of the City.
  - k. To attend all meetings of the City Council unless excused, and such meetings of boards and commissions as he or she chooses or which he or she is directed to attend by the Council, and to participate in discussion at such meetings.
  - l. To recommend such general rules and regulations as he or she may deem necessary or expedient in the general conduct of the administrative departments under his or her supervisory authority.
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m. To devote full time to the duties of the office and to the interests of the City.

n. When directed by the City Council, to act as the City's representative and negotiator in the meet and confer process with the employee-recognized bargaining units in accordance with the ordinances of the City pursuant to the Miliias-Meyers-Brown Act. It is the intention of this subsection that the City Council may direct the City Administrator to act as the City's sole representative and negotiator or to act with other persons, who may be directed or retained by the City to perform similar or identical functions.

o. To coordinate with all departments information for the annual budget, prepare same for submission to the Council.

p. To maintain continuing review of classification of all employees, oversee and report on the affirmative action program, recommend any organizational structure or restructure, conduct staff interviews, preside at department head meetings, and establish administrative procedures where necessary.

(Ord. #58-043, 1958 Code §2.61; Ord. #85-03)

### **2-3.3 Agreements on Employment.**

Nothing in this section shall be construed as a limitation on the power or authority of the City Council to enter into any supplemental agreement with the Administrative Officer or delineating additional terms and conditions of employment not inconsistent with any provisions of this section. (Ord. #58-043, 1958 Code §2.62)

### **2-3.4 Administrative and Fiscal Authority Over All City Departments and Agencies.**

The Administrative Officer shall have the administrative and fiscal supervisory authority as prescribed by the City Council over all departments and agencies of the City, other than those assigned to the office or department by law. The heads of the administrative departments under the Administrative Officer shall report to the Administrative Officer for the efficient administration of their respective departments, and the Administrative Officer may designate acting department heads when necessary to assure continuity of the City's business. (Ord. #58-043, 1958 Code §2.63)

### **2-3.5 Appointment of Administrative Officer Pro Tem, to Act in Absence or Disability.**

The City Council shall designate one of the other officers of the City to serve as Administrative Officer pro tem, during any absence or disability of the Administrative Officer. (Ord. #58-043, 1958 Code §2.64)