

Additional Information on Charter Article VII and Council Policy 3203

Charter Section is Article VII City Administration, Section 700. Powers and Duties of the City Manager states:

The City Council shall appoint the City Manager who shall be the chief executive officer of the City, responsible to the City Council for the management of all City affairs placed in the City Manager's charge by or under this Charter, by ordinance, resolution or other action of the City Council. The City Manager, or his or her designee, shall:

...

(b) Direct and supervise the administration of all City departments, except as otherwise provided by this Charter;

Charter Section 607, Powers of the City Council, is also relevant:

SECTION 607. POWERS OF THE CITY COUNCIL.

All powers of the City shall be vested in the City Council, subject to the provisions of this Charter and the Constitution. The City Council shall have the power to:

(a) Appoint, suspend, remove and fix the compensation of the City Manager, Fire Chief, Police Chief and City Attorney, by a vote of at least three of its members;

(b) Create, modify or abolish any City department, and to prescribe the powers and duties of such departments and their Department Heads;

(c) Review and certify the results of all City elections;

(d) Control all legal business and proceedings, including, but not limited to, the authority to employ other attorneys to take charge of any litigation or other legal matters or to assist the City Attorney in connection with any legal matter, which authority, in whole or in part, may be delegated to the City Attorney; and

(e) Compel the attendance of witnesses, examine them under oath, and compel the production of evidence before it. The City Council may cause subpoenas to be issued in the name of the City and be attested to by the City Clerk. Disobedience of such subpoenas, or the refusal to testify, upon other than constitutional grounds, shall constitute a misdemeanor. Council Members, and any City staff members designated by the City Council, shall have the power to administer oaths in any investigation or proceeding before it.

Additionally, the City Council shall have all other powers consistent with this Charter and the Constitution.

Furthermore, City Charter Section 701. Non-Interference by City Council states:

Neither the City Council, nor any Council Member shall:

...

Additional Information on Charter Article VII and Council Policy 3203

(c) Interfere in any way with the performance of the duties of any City employee; or

...

Nothing in this section shall prevent the City Council, or any of its members, from advising the City Manager of any information which might assist the City Manager in the discharge of the City Manager's duties; or contacting City employees for the purpose of inquiry, obtaining information or advising employees of citizen complaints.

Council Policy 3203

Council Policy 3203, Relationship Between Councilmembers and Employees, attached, is important to consider. Notably, the Policy states in the Background section:

It is desirable that the City Council maintain free, informal contacts with all employees. At the same time, difficulties sometimes arise when individual Councilmembers give specific direction to City employees on potentially time-consuming matters which have not been requested by a majority of the City Council. In that situation the employee is placed in the awkward position of:

- 1. Possibly receiving conflicting directions from Councilmembers;*
- 2. Possibly receiving conflicting directions from a Councilmember and the Chief Administrative Officer or Department Head responsible for the employee's performance; or*
- 3. Exposing the employee to criticism by the majority of the Council for research involving substantial cost without Council, Chief Administrative Officer or Department Head approval.*

The Policy goes on to say in the Statement of Policy:

- 1. Individual Council members should feel free to give staff information and to request routine facts and figures which currently exist from a City employee at any time.*
- 2. Information concerning general or specific plans for future or partially developed City programs, developments and policies should be obtained through the office of the Chief Administrative Officer. This will ensure receipt of balanced information from all affected departments.*
- 3. Individual Council members shall refrain from directing tasks to be performed by any City employee, including Department Heads.*
- 4. Where a task, study or report is desired by an individual Council member, it shall be addressed to the attention of the Chief Administrative Officer who may refer it to the appropriate department or departments. Any such report shall be*

Additional Information on Charter Article VII and Council Policy 3203

forwarded through the Chief Administrative Officer for his/her comments and copies shall be given to each Councilmember.

5. When, in the opinion of the Chief Administrative Officer, such task, study or report is appreciably time-consuming, costly or entails a subject of City-wide importance, it shall be referred to the City Council at the next Council meeting for consideration and direction.