

1. Agenda

Documents:

[FACILITATED MEETING AGENDA.PDF](#)

2. Meeting Materials

Documents:

[2018-09-10 CHARTER PACKET MEMO.PDF](#)

[2018-09-10 EVALUATION MATERIAL.PDF](#)

[BUILDING RESILIENT COMMUNITIES.PDF](#)

[FINANCIAL SUSTAINABILITY.PDF](#)

[MODELCHARTERUPDATE01-19-18.PDF](#)

[NEWPORTCITYCHARTER.PDF](#)

[PREPARATION PRACTICES FOR WORK SESSION.PDF](#)

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.



CITY OF YACHATS

CITY COUNCIL SPECIAL WORK SESSION,

441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

September 10, 2018 9 AM – 4 PM

FACILITATED SPECIAL WORK SESSION AGENDA

- I. CALL MEETING TO ORDER
- II. FACILITATED SPECIAL WORK SESSION DISCUSSION TOPICS
 - a. Ice Breaker
 - b. Roles & Responsibilities of Manager & Council
 - i. Roles & Responsibilities of Council
 - ii. How Councilors are adjusting to new Manager/Council Role
 - iii. Communication that Council gets from Manager
 - iv. Role of Council in Financial Planning – form of financial reports to Council
 - v. Expressions of Council Concerns
 - c. Organizational Structure of the City of Yachats
 - i. Commissions/Committees/Staffing
 - ii. Status of Projects
 - iii. Regular Review of documents, such as Council Rules
 - iv. Charter Amendments – LOC Model Charter
 - 1. Council terms – from 4 to 2 years
 - 2. Addition of the City Manager
 - d. Council Communications
 - i. Clarifying end of conversations in Council Meetings
 - ii. Written motions
 - iii. Policy v. Operations discussions in Council Meetings
 - e. Strategic Planning – priorities for the City
 - i. Mid-Coast Water Partnership/Water
 - ii. Streets
 - iii. Diversification of Income for City
 - f. City Manager Evaluation format – Instrument and process to be used

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 (TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.



DATE: September 10, 2018

TO: Mayor Gerald Stanley and Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: City Charter Material

Dear Mayor and Council,

For reference two (2) Charters have been attached. The League of Oregon Cities Model Charter and Newport's City Charter. You may also want to visit the city of Waldport's charter.

Waldport does not have a downloadable PDF but it can be located at:

<https://www.waldport.org/Documents/CityCharter.php>

The questions that have been raised are:

1. Potentially changing the terms of office for Councilors from 4 to 2 years; and
2. Adding information the City Manager position into the Charter.



DATE: September 10, 2018

TO: Mayor Gerald Stanly and Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: City Manager Evaluation Material

Dear Mayor and Council,

Attached, please find a packet of materials that I put together at the request of a Council member about the various types of evaluations used, including a link to the Canadian system used.

Subsequently there have been conversations at the recent OCCMA (Oregon City Managers Association) about eliminating a City Manager Evaluation. During that discussion on the listserv, the City of Aumsville and Sherwood shared their information.

I did not attend the OCCMA conference in which this discussion is held; however, the same session is tentatively scheduled for the League of Oregon Cities Conference which I am attending at the end of September.

Evaluation Material

Link to the Canadian system. <http://www.camacam.ca/about/resources/cao-performance>

ICMA docs, I included their Handbook, an article, and 6 sample evaluations from different jurisdictions. I know Barbara questions how different they can be, but I think these few samples illustrate just how different the approach can be.



Very good

Average

Excellent

Poor

Good



Manager Evaluations

HANDBOOK

ICMA



Leaders at the Core of Better Communities

ICMA advances professional local government worldwide. Its mission is to create excellence in local governance by developing and advancing professional management of local government. ICMA, the International City/County Management Association, provides member support; publications, data, and information; peer and results-oriented assistance; and training and professional development to more than 9,000 city, town, and county experts and other individuals and organizations throughout the world. The management decisions made by ICMA's members affect 185 million individuals living in thousands of communities, from small villages and towns to large metropolitan areas.

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Contents

Definition of Terms	iv
Members of the Task Force on Manager Evaluations.....	iv
Preface.....	1
Executive Summary.....	2
Successful Evaluation Tips	3
Introduction	4
The Purpose of Manager Evaluations.....	4
Basic Process	4
How to Initiate	4
How to Proceed	5
Frequency and Timing of Manager Evaluations	7
What Others Are Doing: Survey Results	9
Failure to Undertake Evaluations	9
Lack of a Credible Evaluation Process	10
Lack of Knowledge of the Council-Manager Form of Government	10
Lack of Communication	10
Supplemental Approaches	10
Self-Evaluations	11
Periodic Check-ins	11
360-Degree Assessments	11
Conversation Evaluation System	12
Data-gathering/Software Resources	12
Conclusion	13
Sample Evaluation Forms for Local Government CAOs	13
Other Resources.....	13

Definition of Terms

- The term *local government*, as used in this handbook, refers to a town, village, borough, township, city, county, or a legally constituted elected body of governments.
- The term *manager* refers to the chief executive officer (CEO) or chief administrative officer (CAO) of any local government who has been appointed by its elected body to oversee day-to-day operations.
- The terms *elected officials*, *elected body*, and *board* refer to any council, commission, or other locally elected body, including assemblies, boards of trustees, boards of selectmen, boards of supervisors, boards of directors, and so on.
- The term *manager evaluation* refers to the appraisal or assessment conducted by the elected body of the manager's performance in achieving organizational goals and implementing policy.

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Preface

The evaluation of the manager is a key component of any well-run local government, yet the value of a quality evaluation process and the responsibility for that activity is often overlooked. Even in communities that are considered to be professionally governed, the performance evaluation of the local government manager can be an afterthought. The 2012–2013 Executive Board of the International City/County Management Association (ICMA), led by President Bonnie Svrcek, acknowledged the need for local government managers and their elected bodies to put more focus on the manager evaluation process.

Accordingly, it created a task force of managers from around the United States, representing over a dozen communities, to develop a *Manager Evaluations Handbook* that would assist managers and their boards in this critical task.

Managers are encouraged to review this handbook with an eye toward working with their elected bodies to develop formal, mutually agreed-upon processes for their own evaluations. This handbook, however, is also intended to highlight the value of a formal manager evaluation process and to assist local elected officials in the design of an effective evaluation tool.

Executive Summary

The periodic evaluation of the local government manager by the elected body is an important component of a high-performance organization. The evaluation should contain performance goals, objectives, and targets that are linked to the elected body's established strategic plans, goals, and priorities, and it should focus on the manager's degree of progress toward organizational outcomes. To be fair, it must be based on criteria that have been communicated to the manager in advance. Sample or generic evaluation forms, if used, should be customized to reflect these criteria.

The purpose of the evaluation process is to increase communication between the members of the elected body and the manager concerning the manager's performance in the accomplishment of assigned duties and responsibilities, and the establishment

of specific work-related goals and objectives for the coming year. Thus, all members of the elected body should participate in the process, both by individually completing the rating instrument and by discussing their ratings with the other board members in order to arrive at a consensus about performance expectations.

There is no one correct way to conduct a manager evaluation. The key is to ensure that the evaluation takes place in a regular, mutually agreed-upon manner and is viewed by all as an opportunity for communication between the elected officials and the manager.

It may be useful, particularly if the members of the elected body are inexperienced in the performance evaluation process, to use a consultant to help the elected body prepare for and conduct the manager's evaluation.

Successful Evaluation Tips¹

Performance evaluations will allow you to

- A. Recognize the accomplishments of the manager and show appreciation for the unique contributions to the organization
- B. Clearly identify areas where the manager is doing well
- C. Clearly identify areas where the manager can improve his or her performance
- D. Specify definite actions that will allow the manager to make additional value-added contributions to the organization in the future
- E. Obtain the manager's own opinions on progress and his or her individual contribution to collective actions and achievements

Discussing tasks that the manager performs well

- Gives the manager insight into self-awareness, interests, and motivation
- Gives the manager recognition and appreciation for achievements
- Creates a positive climate for the remainder of the review

Reminders:

- Listen intently
- Reinforce the manager's performance
- Emphasize facts, provide concrete examples and specific descriptions of actions, work, and results
- Give only positive feedback during this part of the evaluation
- Acknowledge improvements that the manager has made
- Praise efforts if the manager has worked hard on something but failed because of circumstances beyond his or her control
- Describe performance that you would like to see continued

Discussing areas that need improvement

- Gives insight into how the manager feels about change, improvement for growth
- Allows you to express any concerns you have about the manager's overall performance and performance in specific areas
- Lets you challenge the manager to higher levels of achievement

Reminders:

- Keep the discussion focused on performance
- Describe actions and results that do not meet expectations
- Describe areas where the manager can make a greater contribution.
- Describe any situation or performance observed that needs to be changed, be specific
- Tell the manager what needs to be done if a specific change of behavior needs to take place
- Focus on learning from the past and making plans for the future.
- Keep this part of the discussion as positive and encouraging as possible.

Do's and Don'ts

DO:

- Spend a few minutes warming up in which the agenda is laid out so everyone is reminded about what to expect. Give an overview
- Always start with the positives. Be specific
- Explain the ratings in all areas. Talk about how the consensus was arrived
- Be honest. Tell it like it is
- Be a coach, not a judge. Managing employees is a lot like being an athletic coach. Effective coaching involves a lot more than just score keeping. Simply providing the score at the end of the game doesn't improve performance
- Discuss with the manager his or her reactions to the ratings, making clear that you are interested in his or her feelings and thoughts
- If appropriate, develop an improvement plan that includes areas of deficiency, developmental needs.

DON'T:

- Rate the manager without the facts. Ratings should be on actual results
- Be too general
- Sidestep problems. Document performance problems and clearly identify what needs improvement.
- Be vague or generalize the reasons for the performance scores. Clear and specific examples of results should be available
- Ambush the manager by identifying deficiencies or problems that have never been addressed in informal discussions prior to the formal evaluation.
- Minimize the manager's concerns or discount his or her feelings.

Introduction

There is some irony in the fact that managers' evaluations are often less formal and less structured than those of the managers' employees. While the manager may oversee the evaluation of hundreds of employees within an organization, his or her own performance evaluation becomes the task of elected leaders who are often not formally trained in the evaluation process or who have narrow or conflicting definitions of good performance. The fact that an elected body with numerous members is charged with the task of evaluating the manager makes the need for a clear and agreed-upon evaluation process even more important. And a thoughtful and structured evaluation process that is supported by all involved parties enhances the ongoing communication that is fundamental to effective board/manager relationships.

A manager's evaluation should contain performance goals, objectives, and targets that are linked to the elected body's established strategic plans, goals, and priorities and should focus on whether the manager has achieved the desired organizational outcomes.

Sometimes the tone of a performance review can be unduly influenced by the manager's last success or failure. Judging performance on the basis of a single incident or behavior is a common problem that can arise in any organization. But a single incident or behavior should not be the sole focus of a performance evaluation. That is not to discount the importance of how a manager handles high-stress, higher-profile issues, which is an important aspect of a manager's responsibility. However, day-to-day leadership, which is also a key responsibility of the manager, can sometimes go unnoticed even though it provides the foundation in which high-stress, high-profile issues are handled.

ICMA has developed a list of 14 Practices for Effective Local Government Leadership that is recommended to members who are considering their own professional development needs and activities. The core areas represent much of what local government managers are responsible for on an everyday basis, and competency by the manager in these practices is central to an effective, high-performing, professionally managed local government. It is therefore the recommendation of ICMA's Task Force on Manager Evaluations that competency in the ICMA Practices also be considered in the manager's performance evaluation.

There is no one way, let alone one single correct way, to conduct an effective manager evaluation. This *Manager Evaluations Handbook* will present

traditional evaluation approaches that have proven to be successful, along with some alternative methods that may be good for your local government. Again, the key is to ensure that the evaluation takes place in a regular, mutually agreed-upon manner and is viewed by all as an opportunity for communication between the elected officials and the manager.

The Purpose of Manager Evaluations

High-performance local governments embrace an ethos of continual improvement. Conducting regular appraisals of the manager's work performance is part of the continual improvement process.

The purpose of the evaluation process is to increase communication between the members of the elected body and the manager concerning the manager's performance in the accomplishment of his or her assigned duties and responsibilities and the establishment of specific work-related goals, objectives, and performance measures for the coming year. The evaluation process provides an opportunity for the elected body to have an honest dialogue with the manager about its expectations, to assess what is being accomplished, to recognize the manager's achievements and contributions, to identify where there may be performance gaps, to develop standards to measure future performance, and to identify the resources and actions necessary to achieve the agreed-upon standards. Keeping the focus on "big picture" strategic goals and behaviors rather than on minor issues or one-time mistakes/complaints leads to better outcomes.

Given that good relationships promote candor and constructive planning, the performance appraisal also provides a forum for both parties to discuss and strengthen the elected body-manager relationship, ensuring better alignment of goals while reducing misunderstandings and surprises. When elected bodies conduct regular performance appraisals of the manager, they are more likely to achieve their community's goals and objectives.

Basic Process

Ideally, the performance appraisal process for a manager is the natural continuation of the hiring process.

How to Initiate

Prior to the recruitment of candidates, the elected body typically develops the goals and objectives for

the position of manager. Then, during the selection process, the candidate and the hiring body meet to discuss these items along with the long- and short-term needs and issues of the community. Through these conversations, the basic tenets of the manager's performance evaluation are identified. At this point, the performance appraisal process just needs to be formalized. When the employment offer has been accepted, the employment agreement should include the requirement and schedule for the manager's evaluation.

(Excellent tools for preparing the employment agreement are contained in the [ICMA Recruitment Guidelines for Selecting a Local Government Administrator](#) and the [ICMA Model Employment Agreement](#).)

The employment agreement should stipulate that the performance evaluation will be a written document and that all parties will meet to discuss the contents in person. It should also identify the frequency with which evaluations will take place (e.g., annually, semi-annually). By including this information in the employment agreement, the hiring body ensures that communications between the manager and the elected body will be consistently scheduled, and that initiatives and objectives can be reviewed and updated on a regular basis.

It is especially critical for the elected body to come to consensus on the initial expectations of the newly hired manager so that priorities can be assigned and progress measured. Those issues that were important during the hiring process will logically factor into the initial evaluation process. Then, in the succeeding years, the document can be revised to reflect the latest accomplishments and newest challenges.

Of course, priorities may shift during the year. If that happens, make it clear to the manager that new or changed priorities are being added into the evaluation process.

If, with the passage of time, elections have taken place and the board that is conducting the evaluation is not the same board that did the hiring, it is important that the newly elected officials immediately be introduced to the established performance goals, measures, and evaluation process. This can be done as part of the orientation process for new board members, included in the discussion of the form of government and the role of the manager. If a new member has no experience in conducting performance evaluations, he or she will need to receive training before participating in this process.

If performance evaluations were not discussed during the hiring process, either the manager or the

elected body may request that an evaluation process be instituted, and the specifics for conducting the evaluation can then be agreed upon outside of the provisions of the employment agreement. If the request is made by the elected body, it is important to emphasize that the purpose of the evaluation process is to serve as a tool for organizational improvement, not as a means of punishing the manager or setting the stage for termination. While elected officials, especially those newly elected, may sometimes wish for a change in management, the performance evaluation process should not be used to effect such a change.

How to Proceed

A number of issues should be considered when preparing for the evaluation process, including how to develop the rating instrument (and whether to use an outside consultant), how to use the rating instrument, and whether the evaluation should be conducted in private or in public.

Developing the Rating Instrument

Unlike most employee performance evaluations, in which the employee is evaluated by a single executive or supervisor, the manager's evaluation is conducted by a group of individuals acting as a body. As each elected official likely has different expectations, the board members must first come to a consensus on measures and definitions to be used.

Using a consultant. If the members of the elected body are inexperienced in the performance evaluation process, it might be helpful at this point to use an independent consultant to assist in preparing for and conducting the manager's evaluation. A consultant could be used in a variety of ways.

When designing the evaluation instrument, a consultant should solicit each elected official's full participation by asking for examples and details for each rating category. Whether this is accomplished by interviewing each official individually or by facilitating a group session, it is important to ensure that all voices are heard. Use of an independent consultant is especially helpful if there is a lack of cohesion among elected officials.

Once the consultant has collected the information, the elected body and manager should meet in person to discuss the findings. It is recommended that the in-person conversation with the manager to review the evaluation be conducted by the elected body with the assistance of the consultant but not by the consultant alone.

If funds are limited, a consultant could be used in a limited engagement to prepare an evaluation system and then train the elected officials on how to conduct an evaluation, which the officials may manage themselves after the first year.

If the elected body decides to use a consultant, the Society for Human Resource Management (SHRM) may be a source of referrals, as may be state municipal leagues or the local government's regular employment consulting firms. If a recruiter was used to assist with the hiring process, the recruiter's agreement could be extended to include the setup of the initial evaluation process.

It is recommended that the evaluation process NOT be facilitated by the local government's corporation counsel, municipal clerk, or human resources director because these individuals are not independent parties. In almost all cases, their positions have either a reporting or a cooperating relationship with the manager, so involving them in the manager's evaluation may damage relationships that are necessary for the effective and efficient operation of the local government

Proceeding without a consultant. If a consultant is not used to facilitate the development of the evaluation instrument, the elected body may wish to begin by reviewing the format and process used for the other local government employees and considering the same or a revised method. It is important to understand, however, that a manager is evaluated in additional ways. Because of this key difference, flexibility is needed to add any necessary components intended to assess varied goals and objectives and to facilitate a dialogue between the elected body and the manager.

To be fair, the evaluation must be outcome based, using criteria that have been previously communicated to the manager and that incorporate the elected body's priorities. The use of a prefabricated generic evaluation form (even the sample forms found at the end of this handbook) is not recommended without some customization to reflect these priorities.

Measure observable behaviors and progress toward goals

The manager's job is to achieve the organization's goals and implement the policies that have been determined by the elected body. Evaluating the manager's effectiveness in achieving the goals necessarily means that the elected body must have determined and communicated the goals to the manager in advance,

The manager's success in achieving the goals set by the elected body is related to his or her competencies and behaviors with respect to the specific functions identified as the responsibility of the manager. Defining the strengths of the manager and identifying areas for improvement are part of the evaluation process. ICMA has a list of 14 core areas critical for effective local government management and leadership. While this list, the ICMA Practices for Effective Local Government Leadership, was developed for the purpose of ICMA's Voluntary Credentialing professional development program, the elected body might find it helpful for identifying the specific observable behaviors to be used in the manager evaluation. It is suggested that the elected body select what it believes to be the most important areas for achieving its goals and evaluate the manager's performance in these areas. The ICMA Practices are as follows ([click here](#) for descriptions):

1. Personal and Professional Integrity
2. Community Engagement
3. Equity and Inclusion
4. Staff Effectiveness
5. Personal Resiliency and Development
6. Strategic Leadership
7. Strategic Planning
8. Policy Facilitation and Implementation
9. Community and Resident Service
10. Service Delivery
11. Technological Literacy
12. Financial Management and Budgeting
13. Human Resources Management and Workforce Engagement
14. Communication and Information Sharing

ideally through a strategic planning process.

The members of the board must be in agreement about their expectations of the manager. Furthermore, both the manager and the board must understand what the expectations are.

The performance criteria established by the board for each of the prioritized functional areas need to be

specific and observable by the members of the elected body. If the criteria are quantifiable, they should be expressed in objective, measurable terms. For example, the manager saved 10% on the new project. If the criteria are qualitative and subjective, they can be expressed in terms of the desired outcome. For example, members of the community and employees frequently commented on the manager's fairness during this evaluation period.

Using the Rating Instrument

The usefulness of any performance evaluation depends almost entirely upon the understanding, impartiality, and objectivity with which the ratings are made. In order to obtain a clear, fair, and accurate rating, an evaluator must clearly differentiate between the personality and performance of the manager being rated, making an objective and unbiased assessment on the basis of performance alone. Fairness requires the ability to identify both the strengths and weaknesses of the manager's performance and to explain these constructively to the manager.

When an evaluation is completed by a group of people, it is important that it reflect the consensus opinion of all members. All members of the elected body should participate in the manager evaluation process in order to arrive at a consensus. This consensus can be accomplished by having each member individually rate the manager, followed by a group discussion to arrive at a final consensus rating for each measure. Alternatively, if consensus cannot be reached, each member can individually complete the rating form, and then one member (or the consultant, if one is used) can collect the forms and compile the results and comments into one document, followed by group discussion. It is important that each member's ratings, whether positive or negative, be backed up with specific comments and examples so that the whole group understands the reasoning behind them.

If individual comments—those that do not necessarily represent the sentiments of the elected body as a whole—are to be included in the final document that will be discussed with the manager, the board should decide in advance whether those comments will be anonymous or attributed to the individuals making them.

It is important to keep in mind that performance evaluation is just one part of the communication toolbox between the manager and elected officials. It is intended to enhance that communication, not to result in a periodic written "report card" that is an end in

itself. In addition, nothing in the evaluation ought ever to be a surprise. Ongoing conversations should be held throughout the year (assuming that the evaluation is done annually) to help the manager understand if he or she is on course or if any midseason corrections are necessary. Ideally, the items in the evaluation will have already been touched on in these conversations, so the evaluation will serve as a written summary of them.

Public versus private evaluations

When deciding whether to conduct the evaluation process in a public or an executive/closed session, the elected officials, manager, and legal counsel should review state law. When possible, it is recommended that the performance evaluation process occur in executive/closed session between the elected body and manager; however, many states have specific regulations about whether and when the public may be excluded from attending a meeting involving the elected body or from having access to certain records involving a public employee. Such "sunshine" laws were first created to increase public disclosure by governmental agencies. The purpose is to promote accountability and transparency by allowing the public to see how decisions are made and how money is allocated.

While all states have such laws, the exact provisions of those laws vary. For example, specific legislation may require that all government meetings be open to the public or that written records be released upon request. In many states, all local government records are available for review by the public, including evaluation documents and notes, unless they are specifically exempted or prohibited from disclosure by state statutes.

Regardless of whether the evaluation is conducted in a public or an executive/closed session, each state's statute will dictate certain procedures for meeting notification, recording of minutes, and disclosure of decisions made. These procedures should be reviewed by the elected officials, manager, and legal counsel and followed throughout the evaluation process.

However, all final decisions or actions related to the manager's performance (e.g., employment agreement changes, compensation) should be made in a public setting.

Frequency and Timing of Manager Evaluations

As previously noted, the manager evaluation process, including the frequency and timing of the evaluations,

Benefits of executive session/closed meeting to evaluate manager's performance

- Provides a venue for handling issues that are best discussed in private, and ensures confidentiality until a decision is made regarding the manager's performance
- Provides a forum that is not unduly influenced by outside sources
- Promotes a free-flowing discussion of comments by the elected body and manager
- Ensures the respect and privacy of personnel dealings between the elected body and manager
- Improves communication between the elected body and the manager
- Reduces opportunity to politicize the performance evaluation process
- Provides a forum for the elected body and the manager to talk openly about topics that warrant special attention, such as succession planning, senior staff performance, and executive compensation
- Enables elected officials to challenge the manager without fear of undermining his or her authority in the community

Benefits of an open session/meeting to evaluate manager's performance

- Can build transparency and trust by enabling members of the public to view the process
- Can reduce claims of inappropriate agreements and "secrets"
- Can improve elected body, manager, and citizen relationships

Benefits of providing a public summary once the process is completed

- Lets the public know how the elected body evaluates and views the manager
- Ensures transparency and public accountability
- Promotes the embodiment of ICMA's commitment to openness in government
- Provides the organization with another opportunity to earn the public's trust

will ideally have been discussed as part of the employment agreement at the time of the manager's hiring. It is recommended that the initial formal evaluation not

take place until the elected officials and the manager have worked together for a year; however, short, less formal evaluations are recommended on a quarterly basis. After that, at least one formal evaluation (still with quarterly informal evaluations) should be conducted per year, as longer intervals create a higher likelihood of miscommunication and surprises.

It is further recommended that the formal evaluation be scheduled during the least busy time of year for both the manager and the elected officials, avoiding both the budget preparation season (particularly if the manager's compensation is tied to the evaluation) and the election season (lest the manager's evaluation become an election issue). The scheduling should also allow adequate time for newly elected members of the board to become familiar with the manager's performance.

Relationship of Evaluation to Compensation

The primary purposes of a manager's performance evaluation are

1. To provide a tool for communication between the elected body and the manager
2. To provide an opportunity for the elected body to specifically indicate levels of satisfaction with the manager on mutually identified and defined performance priorities
3. To provide an opportunity for the manager to learn and improve
4. To allow for fair and equitable compensation adjustments based on a review of performance in achieving mutually identified priorities and on the elected body's level of satisfaction with the manager's overall performance.

Performance evaluations that are tied directly to compensation decisions are often distorted by those decisions and therefore result in less-than-honest communication between the elected body and the manager. This happens primarily because

1. Elected officials wishing to offer upward compensation adjustments may feel obliged to embellish the evaluation in a positive manner to justify the compensation decision to the public.
2. Elected officials not wishing to adjust compensation may feel obligated to justify their decision with negative comments about performance matters that actually are not a major concern to them.
3. The manager may be reluctant to seek full clarification on issues raised in the evaluation for fear it could result in a reconsideration of the compensa-

tion decision.

To avoid these distortions in communication, a balanced evaluation is necessary. That is, the evaluation should provide the opportunity for open communication and at the same time be used for compensation decisions related to identified performance achievement and corrective actions by the manager. To this end, a balanced evaluation would

1. Establish a clear set of performance expectations prior to the evaluation period.
2. Include a midterm evaluation without any consideration of compensation in order to focus on clarity of communication and performance to date. This evaluation would allow the manager to take steps to address areas of performance that were of concern to the elected body; it would also help to eliminate misunderstandings and miscommunication between the elected body and manager.
3. Use a full-term evaluation to evaluate the level of performance satisfaction for the entire performance period and thus provide the basis for a fair and equitable compensation decision.

Often, factors other than the performance evaluation form the basis of compensation decisions. These nonperformance considerations include

1. The economic climate of the community and region
2. The general status of compensation decisions in the private sector of the community
3. The compensation decisions for other employees of the local government
4. A general review of the competitive position of the local government in the local government's market area
5. A comparative salary review.

In summary, the performance evaluation of a professional manager can provide input into compensation decisions by the local elected body. However, the communication value of an evaluation is best served by a periodic evaluation not directly tied to compensation.

The Evaluation Results

The evaluation serves as the written, formal record of the conversation between the manager and elected body and consists of two important sections. The first section is the elected body's appraisal of the manager's performance with respect to the previously agreed-upon goals for the period under review as well as the general performance of the organization. The

second section contains an agreed-upon list of the goals to be accomplished during the next appraisal period as well as any specific performance areas identified for improvement.

What Others Are Doing: Survey Results

In developing this handbook, the task force surveyed a sample of local government managers within the United States to obtain information on current evaluation practices. The key findings of the survey suggest that the evaluation process is a problem for a sizeable number of managers. Fortunately, though, most respondents did not report problems with their evaluations and took the time to comment on key aspects of successful appraisals. These comments provide clues to the common pitfalls related to the evaluation process and, more importantly, suggestions for improving the process. This section of the handbook describes these survey findings.

The most common challenges managers and elected bodies face with the evaluation process revolve around four general areas: failure to undertake evaluations, lack of a credible appraisal process, lack of knowledge of the council-manager form of government, and lack of communication. Each of these topics is briefly discussed below.

Failure to Undertake Evaluations

Employee appraisals are a standard feature of most workplaces. They serve as a means of enhancing employee performance as well as the overall effectiveness of the organization. Indeed, employee appraisals serve similar purposes as performance measures of programs and services. In both cases, we seek to identify opportunities for continual improvement. Yet people avoid completing performance appraisals, most likely because properly completed appraisals require time and effort. Other reasons for avoidance may include fear of criticism or the underlying stress associated with the appraisal process. Neglecting to undertake regular performance appraisals, however, can lead to underachievement. Worse yet, failing to complete appraisals on a regular basis can lead to unfounded assumptions that all is well when it is not. It is therefore important to establish a regular pattern of appraisals.

The survey responses identified two methods to help ensure that appraisals are conducted on a regular basis. The most common method is to place a require-

ment for an annual evaluation within the employment contract. The requirement should also specify a time of year—often a time that is less busy than others. The other method is to establish an appraisal time at a regularly scheduled annual meeting, such as a board retreat. But while this method achieves the goal of a scheduled appraisal, it is a less satisfactory approach because it may easily dilute the focus necessary for a good appraisal.

Lack of a Credible Evaluation Process

Another common challenge that survey respondents noted is the lack of a credible evaluation process. Problems include lack of structure, little to no preparation, and limited understanding of appraisals, both purpose and process. Process issues may be addressed through formal training of both the manager and council. Training can be accomplished through work sessions with human resource professionals. Another approach is to team up with CEOs and board members of locally-based institutions that have the same challenge and jointly sponsor training programs. Although not as effective as training, the use of standard evaluation forms, customized to a community's goals, is another way of ensuring a more structured process. Lastly, most managers who are satisfied with their appraisal processes noted that one member of the elected body, typically the mayor, provided active oversight of the process and kept discussions on point and on track.

Lack of Knowledge of the Council-Manager Form of Government

Lack of knowledge about the community's form of government and/or the day-to-day work of the manager is another factor that was cited as hindering quality appraisals. In this case, providing information as early as possible to newly elected officials about the form of government is recommended. This can include meeting with those officials and discussing the manager's duties and responsibilities as well as taking them on field visits. Another approach is to partner with the statewide municipal league and/or municipal clerks association to provide seminars on the form of government. Managers can also use opportunities such as community functions to inform the general public about its form of government. Some jurisdictions use the "policy governance" model, whereby

the explicit roles of the manager, elected body, and other key staff such as attorney are clearly defined and documented. Removing misunderstandings and filling informational voids about the form of government can greatly improve appraisals because such efforts clarify the duties and responsibilities of both the manager and the board.

Lack of Communication

Perhaps the most important ingredient for successful appraisals is effective means of communications between manager and elected officials. As in any human relationship, effective communication is key to understanding and removing faulty assumptions. Achieving superior levels of communication requires active listening and regularity. And the benefits of such attention are high. For instance, survey respondents noting the most satisfaction with the appraisal process use a wide variety of means to regularly communicate with their elected bodies. They meet with elected officials on an individual basis and talked with them regularly via telephone. These same managers provide regular written and verbal reports, typically at each board meeting, that discuss the progress on council goals and objectives, strategic plans, and prior evaluation topics, as well as on operational and special topic issues. More detailed reports are provided on a quarterly basis. In addition, many managers meet with their elected bodies more than once a year with a single-issue focus to discuss progress, redefinition, and resourcing of established goals and objectives, strategic plans and efforts, etc. These additional meetings provide time to focus on progress and reduce the probability of end-of-year surprises.

Creating an effective organization takes time and effort. It also requires regular evaluation of services and operations. Evaluating employee performance, especially the manager's, is a vital element of successful organizations. Objective appraisals can be achieved with an accurate understanding of the manager's and elected officials' duties and responsibilities. Communicating regularly and effectively through a variety of means is a vital element of successful organizations and employee appraisals.³

Supplemental Approaches

The basic process for evaluations may be supplemented or expanded by using other tools, such as self-evaluations, periodic check-ins, 360-degree assessments, and conversation evaluations.

Self-Evaluations

It is recommended that a self-evaluation component be included in whatever type of evaluation is used. The purpose of a self-evaluation is for the manager to reflect upon his or her level of performance in achieving the organizational objectives, including both internal and external accomplishments and challenges in handling specific tasks and taking organizational direction. In a public setting, process and perception can be as important as outcomes, and managers should include all three in a self-evaluation. Thus, a manager's self-evaluation should make clear to elected officials the process by which the manager pursued individual goals, and the perceptions of both the manager and stakeholders of the manager's success or failure in meeting those goals. A manager's self-evaluation should be customized to the needs of each governmental entity.

Periodic Check-ins

There is a management philosophy that says there should be no surprises during an evaluation. Managers should be continually evaluating, assessing, measuring, and communicating with employees. Providing this type of continuous evaluation is a greater challenge, however, for elected boards because it requires the participation of all board members—since the manager reports to a group and not a single individual supervisor. If a process is in place for formal evaluations of the manager, such evaluations likely occur just once per year. The annual evaluation can be a stressful time for all involved, and it can also be a challenge to remember all that has occurred over the past year. Moreover, it is easy for annual assessments to skew toward recent events, challenges, and successes while deemphasizing activities that occurred nine or ten months ago. In reality, an elected body's perception of a manager's job performance is often viewed through lenses crafted by the "crisis of the day" or by how smoothly the last board meeting went. A more workable alternative is periodic check-ins.

Periodic check-ins, such as once per quarter, can help reduce the stress and minimize the surprises that can come when a manager's performance is evaluated only annually. A periodic review of a manager's work plan can help remind the elected body of the manager's long-term goals (as set by the organization) so that both parties can evaluate the manager's progress toward meeting those agreed-upon goals. If progress on the work plan has slowed down or other challenges have arisen along the way, a quarterly check-in offers the manager

an opportunity to self-reflect on his or her performance as well as a forum to explain delays. It can also provide the manager the opportunity to remind the board of the 14 core areas noted in the [ICMA Practices for Effective Local Government Leadership](#) that are critical and are part of operating effectively on a day-to-day basis.

A periodic check-in on the manager's work plan is also important when faces on the elected board change, such as after an election, resignation, or reassignment of committees. By apprising the new board members of the manager's work plan, the manager is making certain that the new officials understand and are supportive of the projects or goals that he or she is working on.

360-Degree Assessments

Another form of appraisal process is the 360-degree assessment, which is sometimes referred to as a "self-development" tool. Generally speaking, the 360-degree assessment consists of an employee obtaining feedback from supervisors, subordinates, and peers. In this case, the manager completes a self-evaluation as well, with a sample of the workforce providing the subordinate feedback. In some instances, feedback is also obtained from those outside the organization, such as citizens who have frequently worked with the manager and use the jurisdiction's services regularly.

Some jurisdictions include the 360-degree assessment as part of the manager's appraisal process. The ICMA Voluntary Credentialing Program also uses this method as part of maintaining the credential; however, ICMA's assessments ask only behavioral questions. They do not cover progress toward organizational goals.

In most cases a 360-degree assessment is conducted digitally via the Internet. Raters are provided evaluation forms that are returned to an independent third party via the Internet in order to ensure anonymity and confidentiality.

One of the chief benefits of the 360-degree assessment process is that it provides feedback on competencies that are not regularly seen and therefore are not discussed in the typical performance appraisals. For instance, line staff will see behaviors that elected officials do not see and vice versa. Thus, a manager's performance may be improved because it is evaluated from several different perspectives. However, if the 360-degree assessment is used as part of the appraisal process, caution should be taken so that the evaluation doesn't become a measure of the manager's popularity with staff or the public. The manager works for the elected officials and should be evaluated by them on the basis of their stated expectations.

Conversation Evaluation System⁴

This version of an evaluation is a conversational session between the manager and the elected officials. For situations where there is tension among the elected officials or between the manager and the elected body, a facilitator can be used.

Step #1: Create Factors

The elected officials divide themselves into subgroups—normally an equal number of officials in each. The number of groups should be small, so for a board with 7 members, there would be a group of 3 people and a group of 4 people. With larger boards—say a county board with 20 people—there might be more groups. Where the situation involves a mayor and other elected officials, the mayor can move between the two groups or can be part of one group. The manager makes up his or her own group.

The elected official groups are given a single question that they can respond to with a number of factors: “What should members of the elected body expect of the manager?” The groups place their answers on a flipchart page. The manager also gets a question: “What do you think the elected body ought to expect of the manager?” to which he or she can also respond with a number of factors listed on a flipchart page.

Step #2: Reach Consensus on the Factors

The subgroups come back together and discuss each of the factors they listed. They work to combine their lists to arrive at between 10 and 15 factors.

Step #3: Assign Weight Values for the Factors

The group divides again, and the subgroups assign points to each of the factors from Step #2. They are given a total of 300 points and may assign from 10 to 30 points to each factor, but each factor must be given an even number of points. More points are given to those items that are a higher priority.

Step #4: Reach Consensus on Weight Values for the Factors

The subgroups come back together again with the point values they have from their discussions. During this conversation, the entire group tries to come to a consensus on how the point values from Step #3 should be allocated.

Step #5: Assign Rating to Each Factor for the Actual Performance of the Manager

The elected officials distribute points to each of the factors on a 1–5 scale, on which 5 is far exceeds expectations, 4 is exceeds expectations, 3 is achieves

expectations, 2 is below expectations, and 1 is far below expectations. For example, a 30-point factor would have the following scale:

30–28	Far exceeds expectations (5)
28–26	Exceeds expectations (4)
26–24	Achieves expectations (3)
24–22	Below expectations (2)
22–20	Far below expectations (1)

These points are totaled, and then added to the points from the section below.

Step #6: Select Goals

The board—collectively and in consultation with the manager—comes up with the list of goals for the manager. Together they then assign another 100 points to the goals for the year. So, for example, 50 points could be assigned to Goal #1, Goal #2 could get 20 points, and Goal #3 could get 20 points, leaving 10 points for Goal #4.

The points from the above 5 steps would be added to the 100 points possible from step number 6 and would be totaled for an overall score using the chart below:

400–360	Far exceeds expectations
359–320	Exceeds expectations
319–280	Meets expectations
279–240	Below expectations
239–200	Far below expectations

In summary, this is a conversational evaluation. The evaluators review the factors each year and everybody owns them. From year to year the factors are revised as necessary to reflect the feelings of the elected body, which can change each year.

Data-gathering/Software Resources

Performance evaluation software can be an effective tool for the elected body to prepare manager evaluations. A wide variety of programs are available, enabling elected bodies to have as much or as little input into the rating categories as they wish. Some programs come with rating categories already provided for a variety of positions, some allow the customer to provide the categories, and some are a hybrid. This flexibility allows the elected officials to create a customized rating tool that works best for them.

Some evaluation software programs allow for multiple raters and some for a single rater. If the program only allows for a single rater, all elected officials convene to discuss each category, agree on the rating, and offer comments, while one elected official enters the rating and comments into the software program. In this case, there needs to be trust among the elected officials that all opinions are being heard and recorded. It is then important that all elected officials review the final draft and offer feedback before it is given to the manager.

If a multiple-rater system is used, elected officials will be completing the evaluation away from the rest of the elected body, so it is recommended that there be group discussion beforehand to ensure consistency in the meaning of the rating categories as in opinions about the manager's performance. The elected officials should also meet after they have entered their ratings because the evaluation is a group activity, not a multiple individual activity.

A word of warning regarding the multiple-rater system: It may be difficult to make sure that everyone fully participates in the process. Elected officials won't be informed by each other's comments, and consensus can be hard to achieve. Thus, if some elected officials provide more commentary than others, it could skew the overall evaluation.

Even with the use of performance evaluation software, an in-person conversation between the elected body and the manager is needed to review the evaluation and discuss the results.

As noted above, a wide variety of software programs are available, including

- Online survey tools such as Survey Monkey
- Performance evaluation software (SHRM can recommend)
- NeoGov online performance evaluation module

Conclusion

Communication. That is the essential element to maintaining a good relationship between an elected board and the appointed manager. Communication comes in many forms, but the board's evaluation of the manager is a formalized method of communication that should not be overlooked.

The task force that was formed to develop this handbook compiled and considered the best practices for manager evaluations. The group shared numerous ideas and learned a great deal from each other. The final product demonstrates that just as each manager and board are unique, so too must be the evaluation process for each manager. While there are common

methods of evaluation, the tools and methods used to evaluate one manager in one community may not be appropriate for another manager in a neighboring community. To maximize legitimacy and effectiveness and to enhance communication, a manager's evaluation needs to be tailored to the issues and stated goals of the elected body.

That said, the task force also agreed that there are some standard elements—notably, the [ICMA Practices for Effective Local Government Leadership](#)—that would enhance any evaluation. These 14 core competencies are the framework for what a manager does on a day-to-day basis, and they warrant acknowledgment in the evaluation process.

Finally, while this handbook offers a variety of ideas on the manager evaluation process, the most important takeaway is that the evaluation must take place and that the process must be mutually agreed upon. There are many ways to get this done, but the manager and the board both deserve the structured communication that the evaluation provides.

Sample Evaluation Forms for Local Government CAOs

- [Sample Appraisal of Performance](#)
- [Sample Manager Evaluation Form](#)
- [Sample Manager Performance Evaluation](#)
- [Sample County Administrator Performance Evaluation](#)

Other Resources

- [ICMA Practices for Effective Local Government Leadership](#)
- [Recruitment Guidelines for Selecting a Local Government Administrator](#)
- [ICMA Model Employment Agreement](#)
- [ICMA Code of Ethics with Guidelines](#)

Notes

- 1 Adapted from City Manager Performance Review, Successful Evaluation Tips, City of Mountlake Terrace, WA
- 2 Integrity is not simply concerned with whether the manager's behavior is legal; it also addresses the issue of personal and professional ethics: "Demonstrating fairness, honesty, and ethical and legal awareness in personal and professional relationships and activities." ICMA members agree to abide by the ICMA Code of Ethics.
- 3 Perkins, Jan. "Case Study. It's (Gulp) Evaluation Time." *PM*, July 2005. <https://icma.org/Documents/Document/Document/3502>
- 4 Adapted and used with permission from Lewis Bender, PhD, Professor Emeritus, Southern Illinois University, Edwardsville, lbender@aol.com

The ICMA logo is displayed in a large, bold, white sans-serif font. The letters are closely spaced, with the 'C' and 'M' being particularly prominent. The logo is positioned on the left side of the lower half of the page, above the contact information.

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"How Are We Doing?"

Evaluating the Performance of the Chief Administrator

Margaret S. Carlson

Picture a governing board meeting at a hectic time of year. Perhaps it is budget season and difficult funding decisions loom. Or the members are still recovering from stinging criticism over a hot community issue. Suddenly, someone says, "Hey, didn't we say last year that we were going to evaluate the manager around this time?" Other members groan inwardly as they envision yet another series of meetings and potential conflict with other board members. One member says, "Everything seems to be going OK. Let's just go ahead and decide on a salary increase now. Is an evaluation really that important?"

Yes.

Evaluating the performance of the chief administrative officer—whether the title is local government manager or health director or school superintendent or social services director—is critically important.

In recent years, jurisdictions increasingly have recognized the importance of a useful performance evaluation system to the overall effectiveness of their organizations. They have taken steps to improve their methods of evaluating line workers, supervi-

**Avoid the
Pitfalls by
Using a
Systematic
Evaluation
Process**

sors, and department heads. But one important individual is frequently overlooked at performance evaluation time: the person who reports to the governing board. Governing boards have a responsibility to get on with that job. This article is designed to show how to evaluate a chief administrative officer who reports to a governing board, for simplicity called here the "manager."

Ironically, the reasons that a manager may not receive a regular performance evaluation are the very reasons that an evaluation can be helpful:

- This individual is in a unique position in the organization.
- He or she serves at the pleasure of the board.
- He or she may frequently receive conflicting messages about priorities and direction from board members.

It is vital for managers to get regular, accurate feedback about whether they are meeting the expectations of the board, but it is unlikely that the organization will have a useful process in place for administrators to get that information in the absence of a well-conceived performance evaluation system.

Conducting an effective evaluation is hard work, but it doesn't have to be a bad experience for the board or the manager. With planning and a commitment to open lines of communication, chances are good that the experience will result in a new level of cooperation and understanding between manager and board and, ultimately, a more effective working relationship.

Common Pitfalls

Both the board and the manager may approach an evaluation with reluctance. Board members will be required to talk openly and honestly about the positive and negative aspects of a person's performance—a difficult task for many people. The manager must be able to receive this feedback in a nondefensive manner, even when it appears that the board is articu-

lating specific performance expectations for the first time, or that the board is focused on the manager's conduct in the most recent crisis, rather than his or her overall performance.

Here are some common problems that boards and managers encounter when they plan for and conduct performance evaluations:

- The board evaluates the manager only when there are serious performance problems, or when all or some of the board members already have decided that they want to fire the manager.
- The board realizes it is time to determine the manager's salary for the upcoming year, and it schedules a performance evaluation for the next meeting without discussing the format or process of the evaluation.
- The discussion during the evaluation is unfocused, with board members disagreeing about *what* the manager was expected to accomplish as well as *whether* the manager met expectations.
- The board excludes the manager from the evaluation discussion.

- The board evaluates only the manager's interactions with and behavior toward *the board*, even though members recognize that this may represent a relatively small portion of the manager's responsibilities.
- The board borrows an evaluation form from another jurisdiction or from a consultant without assuring that the form matches the needs of its own board and manager.

Most of these pitfalls can be avoided by planning and conducting a systematic process for evaluating the manager's performance. A thorough evaluation process, like the one suggested below, contains several essential components (see Figure 1).

A Suggested Evaluation Process

Planning the Evaluation.

1. *Agree on the purpose(s) of the evaluation.* Typically, boards identify one or more of the following goals when describing the purpose of an evaluation:

- To give the manager feedback on his

Figure 1. Steps in Planning and Conducting an Evaluation Process

Planning the Evaluation.

1. Agree on the purpose(s) of the evaluation.
2. Agree on what the board expects of the manager.
3. Agree on the frequency and timing of the evaluation.
4. Agree on who will be involved.
5. Agree on an evaluation form to be used.

Conducting the Evaluation.

1. Have individual board members complete the evaluation form before the evaluation session.
2. Have the manager do a self-assessment.
3. Agree on a setting for the evaluation discussion.
4. Have the manager present during the evaluation.
5. Consider using a facilitator.
6. Allow sufficient time.
7. Include a portion during which the board evaluates its own performance.
8. Decide on the next steps, and critique the process.

or her performance and to identify areas in which improvement may be needed.

- To clarify and strengthen the relationship between the manager and the board.
- To make a decision about the manager's salary for the upcoming year.

These goals are not incompatible, and it is possible to accomplish all of these tasks at once. However, it is essential that board members and the manager discuss and reach agreement on the purpose of the evaluation before deciding what the rest of the process will be. For example, a board member who thinks the main reason for doing an evaluation is to make a decision about compensation may think that a brief consultation among board members—minus the manager—is sufficient to ensure that no members have any major concerns about the manager's performance. This member also may ask for input from a personnel specialist who can provide information about managers' salaries in comparable jurisdictions. By contrast, a board member whose main interest is improving communication between the board and the manager may suggest a process that includes a conversation between the board and the manager, with the manager present throughout the evaluation.

A board might question whether the manager should be involved in planning the evaluation process, as the evaluation may be seen as the board's responsibility, with the manager as the recipient of the evaluation. Yet most boards want to conduct an evaluation that is helpful to the manager and provides guidance for his or her future actions. Because it can be difficult for the board to anticipate fully what the manager would—or would not—find useful in an evaluation, it is wise to consult with the manager early in the planning process.

For instance, the board may feel that the manager would be uncomfortable hearing board members talk about his or her performance at first hand and so

may design a process that "protects" the manager from hearing any negative feedback. Although the board's motives may be good, such a design may not meet the manager's needs if the manager actually wants to be part of the discussion, negative comments and all. Spending some time talking about the purpose of an evaluation at the beginning of the process will reduce the possibility of misunderstandings and conflicting priorities later on.

2. Agree on what the board expects of the manager. A job is essentially a set of expectations. It is possible to assess whether or not an individual holding that job has met expectations. But an evaluation can be useful only if an earlier discussion has taken place in which the board and manager have outlined expectations for the manager's performance. A board and manager may discuss expectations in conjunction with setting organizational goals for the upcoming year, perhaps as part of an annual retreat.

After setting goals, the board may specify objectives for the manager that define his or her role in meeting these goals. These objectives, then, are the board's expectations concerning the manager. For example, a city council may set a goal of working with agencies and community groups to reduce drug-related crimes in the city. The council may list one or more objectives for the manager related to this goal: identifying groups and agencies that already are working to reduce drug-related crime, forming a partnership that includes members of all relevant groups, or explaining new programs to the local media. If the manager needs clarification of the objectives or has some concerns about his or her ability to meet the board's expectations, these issues are best discussed at the time these objectives are set, rather than a year later, when the board wants to know why its expectations have not been met.

In addition to identifying *what* the board wants the manager to achieve, a board typically has an interest in *how*

the manager achieves these objectives; it expects the manager to have certain knowledge and to exhibit certain skills while performing his or her duties. Expectations about the manager's knowledge and skills also should be articulated by the board. The board may expect the manager, for example, to have oral and written presentation skills that enable him or her to present ideas clearly and concisely to diverse groups. It also may expect the manager to be able to allocate resources in a way that ensures equitable service delivery to citizens and to be able to delegate work effectively and evaluate the performance of his or her staff.

A board's expectations for the manager often represent a mix of general areas of knowledge and skills every manager should possess, as well as specific expectations based on the board's composition, the organization's history, or special features of the city or region. Therefore, it may be helpful for the board to use an existing list of managerial expectations as input for its discussion, then to customize these expectations to fit the needs of the jurisdiction. Many professional organizations—like ICMA—can supply such a list; or the board and manager may contact other communities in their area. Remember that a list of expectations for the manager that comes from a source outside the board is intended to *begin* a discussion of the board's expectations for the manager, not to *replace* this discussion.

3. Agree on the frequency and timing of the evaluation. The board and manager should agree on how often evaluations should be conducted (perhaps once a year) and adhere to that schedule. The timing of the evaluation also should be considered. For instance, the board may wish to have the evaluation cycle and budget cycle coincide and to make decisions about the manager's compensation at such a time. Or, it may choose to conduct the evaluation before the budget process gets under way if it feels that it would not be able to give its full attention to the evaluation during the

months leading up to the adoption of the budget.

The board should avoid scheduling the evaluation just before or after an election. If the evaluation is held too soon after an election, new members may not have had the time they need to gather information about and form a judgment of the manager's performance. Likewise, it is not a good idea to schedule an evaluation just before an election if a change in the composition of the board is expected.

4. *Agree on who will be involved.* All members of the board and the manager should participate in the evaluation (more about the manager's presence at the evaluation, below). The full board's participation is necessary because all members have relevant information about the manager's performance. In addition, during the planning process, the board and manager should consider whether there are other parties who have an important perspective on the manager's performance. A common problem is for the board to focus entirely on the manager's interactions with the board, even though the manager spends only a fraction of his or her time in direct contact with the board.

Although both the board and manager may feel that the perceptions of staff, citizens, and others are important, they may be concerned about how these perceptions will be collected and shared. It is not a good idea for board members to go directly to staff and to poll employees on their views of the managers' strengths and weaknesses. Such actions would put board members in an inappropriate administrative role and may put staff members—including the manager—in an uncomfortable position. Instead, the manager might hold "upward review sessions" with his or her staff in order to receive feedback from subordinates and to report general themes that came out of these sessions as part of his or her self-assessment.

The goal is not to make the manager feel under attack; rather, it is to acknowl-

edge that many people may have relevant information about the manager's performance and that the board should not be expected to know everything about the manager's work. If the board and manager choose not to incorporate other sources of information in the evaluation, the board may want to consider omitting performance criteria that it feels unable to judge (such as the coaching and mentoring of subordinates).

5. *Agree on an evaluation form to be used.* Frequently, this is the first step that boards consider when planning an evaluation, and they find it to be a difficult task. However, if the board already has discussed and agreed on what it expects of the manager (see Step 2), agreeing on an evaluation form becomes much easier. It is simply a matter of translating expectations into performance criteria, making sure that the criteria are clear and measurable. For example, three expectations in the area of "knowledge and skills necessary for local government

management" may look like Figure 2.

Following each criterion on the evaluation form is a scale ranging from "does not meet expectations" to "exceeds expectations," with an option of marking "unable to rate." A board may choose to assign numbers to this scale (say, 1 through 5, with 1 corresponding to "does not meet expectations" and 5 corresponding to "exceeds expectations"). But a numerical rating system is less useful in an evaluation of the manager than it is in an organization-wide evaluation of all employees, where standardized comparisons may have some value. In fact, a potential problem with using a numerical rating system is that it is easy to focus on the number as the end in itself, rather than simply a shorthand way to express the evaluation. Thus, a board may discuss at length whether a manager's performance on a given dimension is a 3 or a 4, and perhaps conclude that it is a 3.5, without fully exploring what these numbers represent.

Samples of evaluation forms may be

Figure 2. Portion of Sample Evaluation Form

Presentation Skills. The ability to understand an audience and to present an idea clearly and concisely, in an engaging way, to a group whose interests, education, culture, ethnicity, age, etc., represent a broad spectrum of community interests and needs.

1	2	3	4	5	
----- ----- ----- -----					
Does Not	Meets		Exceeds		Unable
Meet Expectations	Expectations		Expectations		to Rate

Citizen Service. The ability to determine citizen needs, provide equitable service, allocate resources, deliver services or products, and evaluate results.

1	2	3	4	5	
----- ----- ----- -----					
Does Not	Meets		Exceeds		Unable
Meet Expectations	Expectations		Expectations		to Rate

Delegating. The ability to assign work, clarify expectations, and define how individual performance will be measured.

1	2	3	4	5	
----- ----- ----- -----					
Does Not	Meets		Exceeds		Unable
Meet Expectations	Expectations		Expectations		to Rate

obtained from ICMA (contact Anthony Crowell by fax, 202/962-3500) and other professional organizations. Again, it is essential for boards and managers to tailor forms to meet their needs.

Conducting the Evaluation.

1. Have individual board members complete the evaluation form prior to the evaluation session. Setting aside some time for individual reflection is important preparation for the evaluation session. It reinforces the message that this is an important task, worthy of the board members' attention. Making individual assessments before beginning a group discussion also increases the likelihood that each member will form his or her own opinion without being influenced by the judgments or experiences of other members.

This is not meant to imply that board members cannot change their minds as a result of group discussion; on the contrary, members frequently change their views of a manager's performance as they hear the perspectives of other members and learn information that was not available to them when making their individual assessments.

2. Have the manager do a self-assessment. Inviting the manager to assess his or her own performance can add a helpful—and unique—perspective to the evaluation process. In most cases, the manager can simply complete the same evaluation form being used by the board. For the manager, the comparison of the self-assessment with the assessments of others provides an opportunity for insight into his or her own overestimation or underestimation of performance level as compared with the expectations of the board. For the board, hearing how the manager rates his or her own performance (and, more important, how he or she arrived at that rating) can help members gain some insight into whether the board and manager are communicating effectively.

As an example, board members might

rate the manager as not meeting expectations in a given area because a land use study has not been completed. Upon discussion with the manager, however, the board might learn that the study has been completed but not yet been presented to the board. This distinction would be important because it would suggest different areas for improvement. If the manager has not completed the study, the discussion might have focused on the importance of meeting deadlines. Instead, the group could develop strategies for improving communication so that board members will receive information in a timely manner.

3. Agree on a setting for the evaluation discussion. The evaluation should be conducted in a setting that is private and comfortable, free from interruptions, and considered neutral by all parties. These are the same characteristics a board may look for in a retreat setting when it meets to develop a long-range plan, discuss roles and responsibilities of new board members, and the like. The idea is to set aside a time and place to address a single topic, away from the pressure of a loaded agenda.

Boards frequently ask whether the manager's evaluation is defined as an open meeting. Because the board is considering the performance of the manager—a public employee—during an evaluation, such a meeting may be held in executive session. According to the North Carolina open-meetings statute, for instance, a public body may hold an executive session to “consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of a public officer or employee.”

4. Have the manager present during the evaluation. The above example, in which the board learns important information from the manager during the evaluation, illustrates the benefit of having the manager in the room, playing an active role in the evaluation. A manager present during the discussion can respond

to questions from the board, ask questions, and provide relevant information.

Frequently, a board's first impulse is to exclude the manager from the evaluation session. Some members may be reluctant to share negative feedback in the manager's presence. Other members may fear that the evaluation will turn into an analysis of the manager's handling of a single incident, with the manager defending his or her actions. Still others may want to shield the manager from what they perceive to be unduly harsh criticism from a few board members. These are valid concerns.

However, many of the problems anticipated by the board stem from a lack of planning rather than from the manager's presence at the evaluation; consequently, many of these issues can be addressed in earlier phases of the planning process. For example, a good evaluation form will help ensure that the discussion focuses on job-related behaviors rather than personal traits and will look at the previous year's performance rather than that of the previous week.

Some boards choose to exclude the manager from the evaluation session and select one member to summarize the board's discussion for the manager after the evaluation has been completed. Appointing a “designated spokesperson” to communicate the board's evaluation to the manager is often frustrating for both parties. It is difficult for one person to summarize a complex discussion in an accurate and balanced way, and the spokesperson may end up overemphasizing some points and underemphasizing or eliminating others. To a manager who is seeking feedback and guidance, this one-way communication usually does not give a full picture of the board's perceptions; consequently, the manager may make future decisions that are not consistent with the board's expectations.

Even with a careful planning process, board members still may have concerns about sharing negative feedback with the manager. As described in the next section, a skilled facilitator frequently can diminish these concerns by helping

the group discuss these issues in a constructive way.

After the board has concluded its discussion of the manager's performance, it may wish to excuse the manager while it makes a decision about the manager's compensation. The manager presumably will receive any feedback and guidance from the board before the salary discussion, so his or her presence is not necessary at this point. However, the board should keep in mind that the actual setting of the manager's salary may not be covered under a personnel exception to an open-meetings law, and for this reason this determination should take place in an open session.

5. *Consider using a facilitator.* A performance evaluation is a complex task, particularly when an entire group is participating in the evaluation. Members may have different views of the manager's past performance or different expectations for the future. Board members also may be reluctant to share negative feedback, or they may be concerned that their feedback will be misinterpreted.

For all of these reasons, it often is helpful to use a facilitator when conducting the evaluation. A facilitator can help the group by monitoring the group's process, while leaving all members free to focus on the task of the evaluation. Facilitators often suggest that groups use a set of ground rules to help them accomplish their work more effectively.

The board might look to local business, civic, and academic leaders for recommendations for qualified facilitators; or it might contact the Institute of Government at the University of North Carolina at Chapel Hill, or the state's association of county commissioners, league of municipalities, school board association, or similar organizations for help in this area.

6. *Allow sufficient time.* A useful technique for the actual evaluation is a "round robin" format. Each member in turn expresses his or her judgment of the manager's performance on a given

criterion, and the entire group then discusses any differences among individuals' ratings, with the goal of reaching group consensus on the manager's performance in this area before progressing to the next performance criterion. Even with a small board that is in general agreement about the manager's performance, this is a time-consuming process. Therefore, setting aside a full day for the evaluation session is a good idea.

Although this may seem like a lot of time to devote to one issue, the consequences of failing to reach agreement on what the board expects of the manager can ultimately require far more time and energy. The group may wish to divide the evaluation session into two half-days, if that is more manageable (both in terms of scheduling and energy levels):

7. *Include a portion in which the board evaluates its own performance.* In theory, it is possible for a board to specify expectations for the manager and then to evaluate the degree to which a manager has met these expectations. In practice, however, meeting expectations is usually a two-way street, and it is helpful for a board to examine its own functioning and how it contributes to—or hinders—the manager's effectiveness. In one case, a board set a number of high-priority objectives for the manager to meet, after which individual board members brought new "high-priority" projects to the manager throughout the year. In this case, the board was partly responsible for the manager's failure to meet the expectations initially set by the board.

8. *Decide on the next steps, and critique the process.* The actual evaluation of the manager's (and the board's) performance may seem like the last step in the evaluation process, but there still are a number of decisions to be made before the next evaluation cycle can begin. The board may wish to have a separate session to make a decision about the manager's compensation. This is also a logical time to talk about expectations and goals for the coming year, and the board

may wish to set a date in the near future when it will set expectations and performance measures in preparation for the next evaluation.

An important final step: Before the evaluation is concluded, all members should assess the evaluation process itself. This self-critique helps the group look at its own process and learn from its experiences in working together. By reflecting on the task just completed, the group frequently identifies components of the process that worked well and aspects that could have been more effective. For example, it may decide that it did not clearly define the manager's role in reaching board goals before the evaluation and resolve to address this lack by a specified date.

A Process, Not an Event

As the steps described here illustrate, the evaluation of a chief administrative officer is a process, not an event. Careful planning and a commitment to communication between the board and the manager throughout the year will greatly facilitate the actual evaluation and increase the likelihood that it will be a valuable experience for all involved.

One last word: Don't let the fear that your board has not laid the proper groundwork prevent you from getting on with the job. You will probably see some things that you would like to change after the first evaluation (and the second, and the third . . .). That is what the self-critique is for. The important thing is to begin the process. Making the evaluation a regular part of the board's work is the best way to ensure its success. **END**

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CITY OF TEMPLE TERRACE**CITY MANAGER EVALUATION****Purpose of Performance Evaluation**

While a performance evaluation is meant to critique the City Manager's performance and what has been accomplished during a given period of time, it is also a communications tool and a learning process whereby the Mayor and City Council and the City Manager can learn more about each other's expectations and where strengths and weaknesses exist in the relationship. Annual evaluations should identify any major differences in direction, miscommunication, or problems before they become critical to the operations of the City of Temple Terrace.

Form/Format

There are no perfect evaluation forms or processes and many systems and approaches are used. A performance evaluation should be a thoughtful, effective, sensitive, and positive process.

This evaluation form consists of seven categories totaling 35 questions related to the City Manager's performance. Each question should receive a numerical score from 1 to 5, with a 1 being weak and a 5 being strong. A comment section is included after each category.

Upon completion, the evaluation should be forwarded to the Mayor for compilation and review with the City Manager.

Relationship With Mayor and City Council

_____ 1. Maintains effective communications, verbal and written, to keep Councilmembers informed of items and events they want and need to be aware of to effectively represent the City.

_____ 2. Provides information to all Councilmembers on an equal basis.

_____ 3. Maintains personal availability to Councilmembers.

_____ 4. Maintains reporting system to Councilmembers of the administration's and staff's current and planned activities.

_____ 5. Plans, organizes, and presents materials for consideration in a clear, comprehensive, and timely manner to enable Councilmembers to make sound decisions.

_____ 6. Effectively communicates with Councilmembers about their concerns and delegates, or follows through, to see that City departments implement appropriate actions.

Comments: _____

Relationship With Employees

1. Maintains positive employee-employer relations and guides people so they work toward common objectives.
2. Effectively selects, trains, and organizes employees.
3. Addresses personnel problems and takes appropriate action when warranted.
4. Maintains an atmosphere in which employees enjoy working for the City.

Comments:

Public Relations

1. Ensures that City employees who have public contact demonstrate a perception, attitude, and feeling of helpfulness, courtesy, and sensitivity.
2. Maintains to the public a City image that represents service, vitality, and professionalism.
3. Effectively handles citizen disputes or complaints.
4. Maintains sufficient visibility, identity, and availability in the community.
5. Effectively represents the City Council's positions and policies giving sufficient credit to Councilmembers and assisting in promoting Councilmembers' visibility in the community.

Comments: _____

Intergovernmental Relations

1. Positively and effectively represents the City and its interests with other governmental jurisdictions or agencies.
2. Maintains effective communications and relationships with other governmental jurisdictions.
3. Keeps Councilmembers advised of new and pending legislation and development.

Comments: _____

Financial Management

_____ 1. Plans, organizes, prepares, and presents the annual budget with adequate documentation and support information to enable Councilmembers to make informed fiscal policy decisions.

_____ 2. Controls costs by economically using manpower, materials, and equipment.

_____ 3. Provides a system of reports to Councilmembers with sufficient information on the City's current financial status.

_____ 4. Plans, organizes, and administers the adopted budget within approved revenues and expenditures.

Comments: _____

**Organizational Management
Program Development and Follow-Through**

1. Plans and organizes on-going service delivery systems to assure efficient and effective services to citizens.
2. Plans, organizes, and follows through on work assigned by the City Council so that it is completed with dispatch and efficiency.
3. Plans and organizes work involved in researching City Council's program suggestions and reporting the results of the analyses.
4. Maintains knowledge of current and innovative trends, technologies, and systems provided by local government and incorporates that knowledge into program research and recommendations.
5. Plans and organizes responses to public requests and complaints or areas of concern that are brought to the Manager's attention.
6. Anticipates and recognizes future needs and problems and plans accordingly.
7. Plans and organizes for maximum utilization and maintenance of City-owned facilities and equipment.

Comments: _____

Personal Characteristics

- ____ 1. IMAGINATION: Does the Manager show initiative, creativity in dealing with issues or problems and create effective solutions?
- ____ 2. OBJECTIVITY: Is the Manager open to City Council's new ideas and suggestions for change with a rational, impersonal viewpoint based on facts and qualified opinions?
- ____ 3. DRIVE: Is the Manager energetic and willing to spend the time necessary to do a good job and get the job done?
- ____ 4. DECISIVENESS: Is the Manager able to reach timely decisions and initiate action without being compulsive?
- ____ 5. ATTITUDE: Is the Manager enthusiastic, cooperative, interested, and flexible when it comes to performing duties?
- ____ 6. FIRMNESS: Does the Manager have courage of convictions, being firm when convinced but not stubborn?
- ____ 7. COMMUNICATIONS: Does the Manager exhibit the proper skills to be easy to talk to; listen to what is being said; respond in a thoughtful, clear, and pointed manner?

Comments: _____

Summary

Overall

Comments:

Suggestions for New Performance Goals and Objectives

1.

2.

3.

4.

Date

Councilmember Signature

City Manager Evaluation

Please rate the city manager using the following scale:

<u>Rating</u>	<u>Description</u>
1	Unacceptable - Unsatisfactory performance
2	Conditional - Requires Improvement
3	Satisfactory - Meets Council expectations
4	Exceptional - Generally exceeds Councils expectations
5	Outstanding - Substantially exceeds Councils expectations

Please return your evaluation form to the Mayor as soon as possible.

Supervision

Does the City Manager maintain a standard of respect for department head's ability and encourage their initiative? Does he challenge them to perform at their highest level?

Rating

Comments:

Leadership

Does the city manager inspire others to succeed? Does he actively promote efficiency in operations? Does he demonstrate a high regard for personal ethics?

Rating

Comments:

Execution of Policy

Does he understand the laws and ordinances of the city and cause them to be fairly enforced?

Rating

Comments:

Community Relations

Does the city manager work well with citizens and properly handle their complaints?

Rating

Comments:

Administrative Duties

Does the city manager properly handle his administrative duties?

Rating

Comments:

Economic Development

Does the city manager work well with developers while protecting the city's interest? Does he work to increase the city's tax base through economic development?

Rating

Comments:

Intergovernmental Relations

Does the city manager cooperate cordially with neighboring communities and citizens while looking after the interests of Bonner Springs?

Rating

Comments:

City Council Relations

Does the city manager work well with the city council in making sure there is adequate information available prior to meetings? Is he willing to meet with council members to deal with individual problems and issues?

Rating

Comments:

Planning

Does the city manager involve himself in the planning process to the correct degree? Does he review the process and look for better ways to handle development activities?

Rating

Comments:

Financial Management / Budget

Does the city manager ensure the budget is prepared and executed in the manner approved by the city council? Does he ensure the city's monies are managed properly?

Rating

Comments:

Additional Comments:

Name of Rater: _____

Date: _____



City Manager Annual Performance Evaluation

Summary

The City Manager's evaluation consists of annual evaluation by the City Council, as provided in the City manager's employment agreement.

The purpose of the evaluation process by the City Council is to maintain a strong Council/Manager team by ensuring open and productive communication on an annual basis in a formal way, and on an ongoing basis more informally. During the formal annual review process, there is an opportunity to identify areas of satisfaction and items needing change or improvement as identified by the Council.

The Human Resources Manager is the facilitator for this process, and will gather Council input from each member, then compile them into a comprehensive format for the review discussion. This year, the review discussion is scheduled for July 18, 2005. This is conducted in a closed-door personnel session during the regularly scheduled City Council meeting.

Attached is a form designed to gather Council input. Please utilize this form to rate the City Manager in the areas provided. You may also provide narrative comments, and/or additional information to be considered that is not captured in the format provided. Please submit all information to Chris Syverson, Human Resources Manager by the end of the day Thursday, July 14, 2005.

Rating Criteria

For each performance criteria, please use the following rating scale:

E – Exceeds your expectations.

M – Meets your expectations.

NI – Needs Improvement or attention.

Communication Skills:

_____ Verbal Communication Skills – Good command of oral expression; expresses ideas clearly and concisely; easily comprehends ideas expressed by others; able to explain and understand difficult and complex subjects.

_____ Written Communication Skills – Good command of written expression; expresses ideas clearly and concisely; easily comprehends ideas expressed by others; able to explain and understand difficult and complex subjects through written media.

_____ Presentation Skills – Is able to prepare and present quality presentations using a variety of tools and media; presentations are effective and visually appealing.

Interpersonal Skills/Relationships:

_____ Ability to relate well to others, makes people feel at ease, even in difficult situations.

_____ Is able to gain the trust and confidence of the public; fosters contact and cooperation among citizens and community organizations.

_____ Understands and embraces the concept of interlocal cooperation when appropriate.

_____ Fosters cooperative communication and working relationships with Council.

_____ Has the ability to utilize appropriate media for communication – TV, radio, newspaper, group interaction, individual meetings.

_____ Skilled in negotiation techniques in a variety of scenarios – employee, council, public, interagency.

_____ Demonstrates sensitivity to individuals/groups as appropriate.

_____ Is forthright and honest in all relationships.

Leadership:

_____ Supports and manages in accordance with identified City Values and Mission.

_____ Provides City staff with direction and management according to the high performance government model.

_____ Uses sound judgment in decision making; seeks out all relevant and necessary data, makes decisions in a timely manner.

_____ Directs utilization of City resources effectively.

_____ Directs the City Customer Service initiatives, both internally and externally.

_____ Crises and/or emergencies are handled in an effective, efficient, and professional manner.

_____ Stays current on management practices and techniques.

_____ Actively pursues ways to increase his value to the City.

_____ Consistently supports re-engineering efforts city-wide.

Planning:

_____ Participates with Council and Staff in strategic planning.

_____ Exhibits a forward-thinking approach, both in the short- and long- term.

_____ Utilizes effective project management techniques.

_____ Sets objectives for performance and manages toward those objectives.

_____ Completes projects agreed upon with Council within the given time frame.

Management/Staff

_____ Able to delegate authority, granting proper authority at the proper times; good judge of when and when not to delegate.

- _____ Utilizes a positive approach to direct work efforts of staff.
- _____ Addresses employee issues promptly and effectively, utilizing progressive discipline.
- _____ Encourages and rewards initiative.
- _____ Promotes cohesive teamwork with the City Senior Management Team.

Comments:

In a brief narrative, please describe:

What you are most pleased with in the City Manager's performance.

What areas would you like to see improvement in? Please provide specific suggestions on how the City Manager may improve the areas of concern.

Goals for 2005-2006

City Manager Performance Evaluation

City of _____

Evaluation period: _____ to _____

Governing Body Member's Name

Each member of the governing body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
- _____ Exercises good judgment
- _____ Displays enthusiasm, cooperation, and will to adapt
- _____ Mental and physical stamina appropriate for the position
- _____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
- _____ Demonstrates a capacity for innovation and creativity
- _____ Anticipates and analyzes problems to develop effective approaches for solving them
- _____ Willing to try new ideas proposed by governing body members and/or staff
- _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- _____ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- _____ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- _____ Disseminates complete and accurate information equally to all members in a timely manner
- _____ Assists by facilitating decision making without usurping authority
- _____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

4. POLICY EXECUTION

- _____ Implements governing body actions in accordance with the intent of council
- _____ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- _____ Understands, supports, and enforces local government's laws, policies, and ordinances
- _____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the city
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long term trends
- _____ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? _____

What performance area(s) would you identify as most critical for improvement? _____

[illegible]

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SAMPLE MANAGER EVALUATION FORM¹

Person Completing the Form

SECTION ONE: BEHAVIORS

1. ELECTED BODY RELATIONS

- A. _____ Does the manager carry out directives of the elected body as a whole rather than those of any one elected body member?

Comments: _____

- B. _____ Is the manager available for elected body consultation and responsive to elected body input and needs?

Comments: _____

- C. _____ Does the manager keep the elected body informed of important developments and current issues affecting the community?

Comments: _____

- D. _____ Does the manager maintain open lines of communication with the elected body as a body and with individual members?

Comments: _____

- E. _____ Does the manager assist in facilitating elected body consensus and in identifying and setting goals and policies?

Comments: _____

_____ **Total Score** (50 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

2. LEADERSHIP AND POLICY EXECUTION

- A. _____ Does the manager implement elected body action in accordance with the intent of the elected body?

Comments: _____

- B. _____ Does the manager support the actions of the elected body after a decision has been reached?

Comments: _____

¹ Adapted from City Manager Evaluation Form, City of Mountlake Terrace, WA

C. _____ Does the manager enforce and carry out organizational policies?

Comments: _____

D. _____ Does the manager present comprehensive factual information and analysis of issues for elected body decisions, and ensure that the elected body receives timely and sound advice and information in evaluating policy initiatives?

Comments: _____

E. _____ Does the manager have the respect and confidence of the elected body, employees, the community, and government officials?

Comments: _____

F. _____ Does the manager articulate a vision that motivates the organization to perform consistent with the elected body's policy direction?

Comments: _____

_____ **Total Score** (60 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

3. COMMUNICATION

A. _____ Does the manager provide the elected body with reports (written and/or verbal) concerning matters of importance to the organization in a timely fashion, and does the manager provide equal information to all members of the elected body?

Comments: _____

B. _____ Does the manager continuously evaluate and enhance methods to provide information to the widest audience possible through the efficient use of resources and technology?

Comments: _____

C. _____ Does the manager prepare a sound, well-organized elected body meeting agenda with clear staff reports fairly describing the issues and outlining more than one alternative action?

Comments: _____

D. _____ Does the manager provide adequate, timely information and provide follow-up to individual elected body requests for information?

Comments: _____

E. _____ Does the manager serve as an effective advocate in communicating support for organizational policies, programs, and plans?

Comments: _____

F. _____ Does the manager provide clear and concise oral explanations to the elected body at elected body meetings?

Comments: _____

_____ **Total Score** (60 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

4. **COMMUNITY AND INTERGOVERNMENTAL RELATIONS**

A. _____ Is the manager approachable, accessible, available, and responsive to the community, and does the manager displays diplomacy and tact when responding to others?

Comments: _____

B. _____ Does the manager have a successful, working relationship with the news media?

Comments: _____

C. _____ Does the manager cooperate and work well with neighboring communities and other government units, such as the neighboring cities, the county, special-purpose districts, and the state and federal governments, and does the manager represent the community's interests through regular participation in local, regional, and state groups?

Comments: _____

D. _____ Does the manager project a positive public image, based on courtesy, professionalism, and integrity?

Comments: _____

_____ **Total Score** (40 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

5. **MANAGEMENT AND ADMINISTRATION**

A. _____ Is the manager successful at recruiting and retaining competent personnel for city and does the manager ensure the fair and equitable treatment of employees?

Comments: _____

B. _____ Is the manager willing to try new ideas to supplement or stretch resources and improve the management of services and programs?

Comments: _____

C. _____ Does the manager anticipate problems and develop effective solutions for solving them?

Comments: _____

D. _____ Does the manager ensure that the organization's resources—human, material, and fiscal—are used wisely?
Comments: _____

E. _____ Does the manager structure administrative work plans designed to accomplish elected body's goals?
Comments: _____

_____ **Total Score** (50 points possible)

1 –Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 –Exceeded expectations; 10 – Outstanding

6. FINANCIAL MANAGEMENT

A. _____ Does the manager direct the preparation of a balanced budget that provides services at levels consistent with elected body policy and direction?
Comments: _____

B. _____ Does the manager makes the best possible use of available funds, conscious of the need to operate the organization in an efficient and effective manner?
Comments: _____

C. _____ Is the budget prepared in a readable and easy-to-understand format?
Comments: _____

D. _____ Does the manager keep the elected body apprised of major financial issues affecting the organization?
Comments: _____

E. _____ Does the manager monitor the budget to ensure that funds are spent correctly?
Comments: _____

F. _____ Does the manager evaluate programs and services (e.g., opportunities for cost reduction, revenue enhancement, incorporation of supplemental resources) and make adjustments as needed?
Comments: _____

_____ **Total Score** (60 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

7. PERSONAL CHARACTERISTICS

- A. _____ IMAGINATION: Does the manager show originality in approaching problems? Does she create effective solutions? Is she able to visualize the implications of various alternatives?

Comments: _____

- B. _____ OBJECTIVITY: Does the manager take a rational, impersonal, and unbiased viewpoint based on facts and qualified opinions? Is he able to put aside his personal feelings when considering the community's best interest?

Comments: _____

- C. _____ ENERGY: Is the manager energetic and willing to spend the time necessary to do a good job? Does she have good initiative, and is she a self-starter?

Comments: _____

- D. _____ JUDGMENT AND DECISIVENESS: Is the manager able to reach quality decisions in a timely fashion? Are his decisions generally good? Does he exercise good judgment in making decisions and in his general conduct?

Comments: _____

- E. _____ INTEGRITY: Is the manager honest and forthright in her professional capacities? Does she have a reputation in the community for honesty and integrity?

Comments: _____

- F. _____ SELF-ASSURANCE: Is the manager self-assured of his abilities? Is he able to be honest with himself and take constructive criticism? Does he take responsibility his own mistakes? Is he confident enough to make decisions and take actions as may be required without undue supervision from the elected body?

Comments: _____

_____ **Total Score** (60 points possible)

1 – Needs improvement; 3 – Marginally met expectations; 5 – Met expectations;
7 – Exceeded expectations; 10 – Outstanding

SECTION TWO: GOAL PERFORMANCE

GOAL 1	
OBJECTIVE	
<i>Performance achieved</i>	
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>	
<u>Performance-Level Term: (CIRCLE)</u>	
1	3
5	7
10	
Needs Improvement	Marginally Met Expectations
Met Expectations	Exceeded Expectations
	Outstanding

GOAL 2	
OBJECTIVE	
<i>Performance achieved</i>	
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>	
<u>Performance-Level Term: (CIRCLE)</u>	
1	3
5	7
10	
Needs Improvement	Marginally Met Expectations
Met Expectations	Exceeded Expectations
	Outstanding

GOAL 3	
---------------	--

OBJECTIVE				
<i>Performance achieved</i>				
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>				
<u>Performance-Level Term: (CIRCLE)</u>				
1	3	5	7	10
Needs Improvement	Marginally Met Expectations	Met Expectations	Exceeded Expectations	Outstanding

GOAL 4				
OBJECTIVE				
<i>Performance achieved</i>				
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>				
<u>Performance-Level Term: (CIRCLE)</u>				
1	3	5	7	10
Needs Improvement	Marginally Met Expectations	Met Expectations	Exceeded Expectations	Outstanding

GOAL 5				
OBJECTIVE				
<i>Performance achieved</i>				
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>				
<u>Performance-Level Term: (CIRCLE)</u>				
1	3	5	7	10
Needs Improvement	Marginally Met Expectations	Met Expectations	Exceeded Expectations	Outstanding

GOAL 6				
OBJECTIVE				
<i>Performance achieved</i>				
<u>DESCRIPTION: (DESCRIBE THE RESULTS ACHIEVED)</u>				
<u>Performance-Level Term: (CIRCLE)</u>				
1	3	5	7	10
Needs Improvement	Marginally Met Expectations	Met Expectations	Exceeded Expectations	Outstanding

Conclusions

In what areas has the manager excelled over the past year?

What areas need improvement? What constructive, positive ideas can you offer the manager to improve these areas?

Do you have other comments or observations you want to share with the manager?

Manager Comments:

COMPOSITE PERFORMANCE RATING

SECTION ONE: BEHAVIORS (with points possible)	TOTAL SCORE	AVERAGE SCORE
1. RELATIONS WITH ELECTED BODY (50)	_____	_____
2. LEADERSHIP AND POLICY EXECUTION (60)	_____	_____
3. COMMUNICATION (30)	_____	_____
4. COMMUNITY AND INTERGOVERNMENTAL RELATIONS (40)	_____	_____
5. MANAGEMENT AND ADMINISTRATION (50)	_____	_____
6. FINANCIAL MANAGEMENT (60)	_____	_____
7. PERSONAL CHARACTERISTICS (60)	_____	_____

SECTION ONE AVERAGE SCORE

SECTION TWO: GOAL PERFORMANCE

1. PROTECT AND ENHANCE COMMUNITY'S FINANCIAL HEALTH AND STABILITY	_____
2. GENERATE ECONOMIC DEVELOPMENT THROUGHOUT THE COMMUNITY	_____
3. REVIEW AND PRIORITIZE CAPITAL INFRASTRUCTURE NEEDS AND IMPLEMENT PROJECTS	_____
4. DEVELOP AND IMPLEMENT A STRATEGY TO ADDRESS THE COMMUNITY'S AGING PUBLIC FACILITIES	_____
5. DEVELOP AND IMPLEMENT MORE EFFECTIVE COMMUNICATION AND OUTREACH WITH THE COMMUNITY	_____
6. MAINTAIN APPROPRIATE AND ESSENTIAL PUBLIC SERVICES IN A COST-EFFECTIVE MANNER	_____

SECTION TWO- AVERAGE SCORE

SECTION ONE + SECTION TWO = TOTAL /2 = COMPOSITE SCORE

COMPENSATION ADJUSTMENT MECHANISM

Performance-based Adjustment Based on Comparable Cities' Manager/Administrator Compensation using Composite Performance Score:

0 to 2.49	No increase in base pay
> 2.50 to 3.49	No increase or base pay equals 90 percent of comparables average (whichever is greater)
> 3.50 to 5.49	Base pay equals average of comparables, no performance pay
> 5.50 to 7.49	Base pay equals average of comparables plus 3% one-time performance pay
> 7.50 to 10.00	Base pay equals average of comparables plus 5% one-time performance pay

Sample Manager Performance Evaluation¹

Organization: _____

Evaluation period: _____ to _____

Elected Body Member's Name

Each member of the elected body should complete this evaluation form, sign it in the space below, and return it to _____. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature _____

Date _____

Elected Body Member's Signature _____

Date Submitted _____

INSTRUCTIONS

This evaluation form presents ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the manager's performance.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including responses to specific questions and any observations you believe appropriate and pertinent to the rating period.

Please write legibly. Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the elected body to the manager as part of the agenda for the meeting indicated on the cover page.

¹ Adapted from City Manager Performance Evaluation, University of Tennessee Institute for Public Service

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
 - _____ Exercises good judgment
 - _____ Displays enthusiasm, cooperation, and willingness to adapt
 - _____ Exhibits mental and physical stamina appropriate for the position
 - _____ Exhibits composure, appearance, and attitude appropriate for executive position
- Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

Initials _____

2. PROFESSIONAL SKILLS AND STATUS

- _____ Maintains knowledge of current developments affecting the practice of local government management
- _____ Demonstrates a capacity for innovation and creativity
- _____ Anticipates and analyzes problems to develop effective approaches for solving them
- _____ Willing to try new ideas proposed by elected body members and/or staff
- _____ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

3. RELATIONS WITH MEMBERS OF THE ELECTED BODY

- _____ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- _____ Sets meeting agendas that reflect the guidance of the elected body and avoids unnecessary involvement in administrative actions
- _____ Disseminates complete and accurate information equally to all members in a timely manner
- _____ Assists by facilitating decision making without usurping authority
- _____ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

4. POLICY EXECUTION

- _____ Implements elected body actions in accordance with the intent of council
- _____ Supports the actions of the elected body, both inside and outside the organization, after a decision has been reached

- _____ Understands, supports, and enforces local government's laws, policies, and ordinances
- _____ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- _____ Offers workable alternatives to the elected body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal _____ + 5 = _____ score for this category
Initials _____

5. REPORTING

- _____ Provides regular information and reports to the elected body concerning matters of importance to the local government, using the charter as guide
- _____ Responds in a timely manner to requests from the elected body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the elected body on matters that are nonroutine and not administrative in nature
- _____ Produces reports that are accurate, comprehensive, concise, and written to their intended audience
- _____ Produces and handles reports so as to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal _____ + 5 = _____ score for this category

6. CITIZEN RELATIONS

- _____ Is responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns, and strives to understand their interests
- _____ Makes an appropriate effort to maintain citizen satisfaction with services

Add the values from above and enter the subtotal _____ + 5 = _____ score for this category

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Manages the compensation and benefits plan professionally
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category Initials _____

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and workforce in general, yet maintains the professional dignity of the manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem solving among the staff members

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures that actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Monitors and manages fiscal activities of the organization appropriately

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category Initials _____

10. COMMUNITY

- _____ Shares responsibility for addressing the difficult issues facing the community
- _____ Avoids unnecessary controversy
- _____ Cooperates with neighboring communities and the county
- _____ Helps the council address future needs and develop adequate plans to address long-term trends
- _____ Cooperates with other regional, state, and federal government agencies

Add the values from above and enter the subtotal _____ ÷ 5 = _____ score for this category

NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principal results achieved during the rating period?

What performance area(s) would you identify as most critical for improvement?

What constructive suggestions or assistance can you offer the manager to enhance performance?

Initials _____

What other comments do you have for the manager (e.g., priorities, expectations, goals, or objectives for the new rating period)?

Initials _____

City of Aumsville

PERFORMANCE EVALUATION FORM

CONFIDENTIAL

Department Name

Employee's Name

Evaluation Period

Performance Evaluation

Rating Levels

Employee performance should be evaluated against the following levels of performance.

Code	Performance Level	Definition
6	Exceptional	Exceptional performance which far exceeds the expected standards
5	Exceeds Requirements	Superior performance exceeding normal expectations of job success
4	Fully Effective	Performance meets all critical standards of competence
3	Developing Adequately With Improvement	Additional coaching or training time required to be fully effective. Employee may be in training mode or developing new skills.
2	Needs Improvement	Employee is not meeting all critical standards of performance and improvement is needed
NR	Not Rated	This factor cannot be rated
NA	Not Applicable	This factor is not applicable to this job.

Performance Evaluation Factors	Rating	Comments
Knowledge/Technical Skills		
Professional/technical competence		Write comments here.
Awareness of external trends, issues		
Knowledge of City policy, procedures, systems		
Other skills, knowledge		
Overall Average Rating for this Factor		
Output and Productivity		
Planning, organizing and time management		Write comments here.
Efficiency/productivity/cost effectiveness		
Energy, diligence, work habits		
Initiative/independence/self direction		
Response to deadlines, follow through		
Technology management		
Performance against goals and objectives		
Attendance/punctuality		
Overall Average Rating for this Factor		
Judgment and Work Quality		
Decision making, judgment	4	Example add numbers $34/8 = 4.25$ This rates the employee in both categories and over categories as well as over all evaluation. So an employee could perform below acceptable in an area and still overall they are performing a fully effective level. This way you can evaluate specific areas and coach others. I tend to provide feedback on this areas in the comments sections.
Quality and accuracy	5	
Perception of role	2	
Creativity, innovation	4	
Vision and perspective	4	
Professionalism, "polish"	5	
Conduct and integrity	5	
Safety	5	
Overall Average Rating for this Factor	4.25	Do this for each section

		Write comments here.
Working Relationships		
Teamwork/cooperation/coordination		Write comments here.
Flexibility/adaptability		
Diplomacy, persuasion, tact		
Interpersonal skills		
Oral communications		
Client, customer service orientation		
Dealing with public		
Written communication		
Overall Rating for this Factor		

Overall Performance Rating		
-----------------------------------	--	--

Overall Comments:

Write comments here.

Rater's Signature _____ Date _____
 Department Head
 Reviewer's Signature _____ Date _____
 City Administrator or Mayor

Training & Development:

Please indicate the type of training that is required next year.

Development

Enhancement

Please list

☐ Re-certification

Please list

	☐ Career Advancement Please list
--	--

Employee Comments:

Regarding your job and/or evaluation.

This is filled out by the employee

Goals:

Training: Please indicate the type of training, if any, that you would like to participate in.

Employee's Signature _____

Date _____

IRRIGON
Manager Evaluation Form
CONFIDENTIAL

Employee name	
Title/Position	
Date of hire	
Evaluation period	
Time in position	
Present salary	

SECTION 1:

Job knowledge: Consider how well the Manager knows the duties of the job.

- a. Inadequate knowledge of the job.
- b. Fair job knowledge.
- c. Well informed, good job knowledge.
- d. Exceptional knowledge of the job.

Comments:

Initiative: Consider how well Manager plans work and goes ahead with a job without being told every detail.

- a. Inadequate performer; must be lead every step of the way.
- b. Routine worker; rarely shows initiative.
- c. Progressive worker; shows creative imagination.
- d. Always busy, excellent planner, lots of good ideas, very ambitious.

Comments:

Quality of work: Consider accuracy of work

- a. Inadequate performer; must be lead every step of the way.
- b. Routine worker; rarely shows initiative.
- c. Progressive worker; shows creative imagination.
- d. Always busy, excellent planner, lots of good ideas, very ambitious.

Comments:

Cooperation: Consider attitude toward associates and willingness to work with and for others

- a. Cooperates reluctantly.
- b. Acceptable to the group. Meets minimum requirements.
- c. Gets along well with others.
- d. Goes out of the way to get along well with others.

Comments:

Reliability: Consider attitude toward work

- a. Cannot be relied upon and requires close checking.
- b. Frequent tardiness. Attendance regular.
- c. Occasionally late or absent.
- d. Never late or absent without good reason. Is dedicated to the position.

Comments:

SECTION 2: Rating Criteria

For each performance criteria below, please use the following rating scale:

B- (below) M- (meets-) M (meets) M+ (meets+) E (exceeds)

M+ and E are measurable. Define in comments.

Interpersonal Skills/Relationships

- ___ Ability to relate to others; makes people feel at ease, even in difficult situations.
- ___ Is able to gain the trust and confidence of the public; fosters contact and cooperation among citizens and community organizations.
- ___ Fosters cooperative communication and working relationships with Board.
- ___ Has the ability to utilize appropriate media for communication, -- TV, radio, newspaper, group interaction, individual meetings.
- ___ Skilled in negotiation techniques in a variety of scenarios – employee, board, public, and interagency.
- ___ Demonstrates sensitivity to individuals/groups as appropriate.

Comments/Examples of Performance:

Leadership

- ___ Supports and manages in accordance with identified Values and Mission.
- ___ Uses sound judgment in decision making; seeks out all relevant and necessary data, makes decisions in a timely manner.
- ___ Directs utilization of resources effectively.
- ___ Crises and/or emergencies are handled in an effective, efficient, and professional manner.
- ___ Leads staff in a respectful and professional manner

Comments/Examples of Performance:

Planning

- ☐ Participates with Board and Staff in strategic planning.
- ☐ Exhibits a forward-thinking approach, both in the short- and long- term.
- ☐ Utilizes effective project management techniques.
- ☐ Sets objectives for performance and manages toward those objectives.
- ☐ Completes projects agreed upon with Board within the given time frame.

Comments/Examples of Performance:

Management

- ☐ Able to delegate authority, granting proper authority at the proper times; good judge of when and when not to delegate.
- ☐ Utilizes a positive approach to direct work efforts of staff.
- ☐ Addresses employee issues promptly and effectively.
- ☐ Encourages and rewards initiative.
- ☐ Promotes cohesive teamwork with the Management Team.
- ☐ Effectively evaluates performance of subordinates in their different areas.

Comments/Examples of Performance:

Relationship with City Council:

- ☐ Effectively implements procedures and programs in line with Board goals and policies.
- ☐ Reporting to Board is timely, clear, concise and thorough.
- ☐ Accepts direction or instructions in a positive manner
- ☐ Achieves goals set by or in conjunction with Board
- ☐ Communicates timely and effectively with Board through written and informal communication.
- ☐ Administers council policy decisions consistent with Board intent
- ☐ Completes council directives in a timely manner.
- ☐ Assists Board in development of goals and strategic planning.

Comments/Examples of Performance:

Use the space below to describe the employee's strengths and weaknesses and to account for any factors not covered above. Give examples of work well done and goals/objectives for improving performance.

REMARKS:

Manager Performance Self-Evaluation
(To be given to the Manager a before performance evaluation meeting)

Name	
Title	
Date of hire	
Evaluation period	
Time in position	
Present salary	

List areas in which you significantly contributed in the past six/twelve months. (Not routine activities.)

What would you like to have accomplished but didn't?

How do you see your role changing? Give examples.

List goals you would like to accomplish in the next 12 months (in your position).

Do you feel that you are reactive or proactive?

Do you feel like you are receiving adequate training for your position?

What do you think the Board can do to help you? In what ways?

Are you satisfied with your career/position?

Comments:

Over-all Evaluation

- ☐ Unsatisfactory
- ☐ Improvement needed
- ☐ Competent
- ☐ Excellent
- ☐ Outstanding

Signatures

This evaluation is based on Board observations and/or knowledge. It represents the Board's judgment of the employee's performance.

Chair: _____

Date: _____

This report has been discussed with me.

Employee's signature: _____

Date: _____

City of Sodaville Performance Evaluation

City Administrator

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Administrator concerning the performance of the City Administrator in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

PROCESS

1. The Mayor and Council members will complete a performance evaluation for the City Administrator.
2. The Mayor will tabulate the results of the evaluation forms and create a compiled evaluation.
3. The Mayor and Council Members will meet in executive session with the City Administrator to discuss his/her compiled evaluation. After being dismissed, the Mayor and Council will discuss the performance of the City Administrator.
4. The Mayor will procure the concurrence/dissent of each Council member.
5. The Mayor and Council will meet with the City Administrator in executive session to review the evaluation, unless the City Administrator requests an open hearing.

INSTRUCTIONS

Review the employee's work performance for the entire period; try to refrain from basing judgement on recent events or isolated incidents only. Disregard your general impression of the employee and concentrate on one factor at a time.

Evaluate the employee on the basis of standards you expect to be met for the job to which assigned considering the length of time in the job. Check (✓) the number which most accurately reflects the level of performance for the factor appraised using the rating scale described below.

Performance Evaluation

City Administrator

Date: _____

RATING SCALE DEFINITIONS (1-5)

- Unsatisfactory (1) - The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.
- Improvement Needed (2) The employee's work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance.
- Meets Job Standard (3) The employee's work performance consistently meets the standards of the position.
- Exceeds Job Standard (4) The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.
- Outstanding (5) The employee's work performance is consistently excellent when compared to the standards of the job.
- Not Observed (NO) The employee's work performance was not observed during this evaluation period.

I. Performance Evaluation and Achievements

<u>1. City Council Relationships</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>NO</u>
A. Effectively implements policies and programs approved by the City Council.	_____	_____	_____	_____	_____	_____
B. Reporting to the City Council is timely, clear concise and thorough.	_____	_____	_____	_____	_____	_____
C. Accepts direction/instructions in a positive manner.	_____	_____	_____	_____	_____	_____
D. Effectively aids the City Council in establishing long range goals.	_____	_____	_____	_____	_____	_____
E. Keeps the City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.	_____	_____	_____	_____	_____	_____

Comments: _____

2. Public Relations

1 2 3 4 5 NO

A. Projects a positive public image.

B. Is courteous to the public at all times.

C. Maintains effective relations with media
representatives.

Comments:

3. Employee Relations

1 2 3 4 5 NO

A. Works well with other employees.

B. Seeks to develop skills and abilities of employees.

C. Motivates employees toward the accomplishment of
goals and objectives.

D. Delegates appropriate responsibilities.

Comments:

4. Fiscal Management**1 2 3 4 5 NO**

A. Prepares realistic annual budget.

B. Seeks efficiency, economy and effectiveness in all programs.

C. Controls expenditures in accordance with approved budget.

D. Keeps City council informed about revenues and expenditures, actual and projected.

E. Ensures that the budget addresses the City Council's goals and objectives.

Comments:

5. Communication**1 2 3 4 5 NO**

A. Oral communication is clear, concise and articulate.

B. Written communications are clear, concise and Accurate.

Comments:

6. Quantity/Quality**1 2 3 4 5 NO**

A. Amount of work performed.

B. Completion of work on time (meets deadlines).

C. Accuracy.

D. Thoroughness.

Comments:

7. Personal Traits**1 2 3 4 5 NO**

A. Initiative.

B. Judgement.

C. Fairness and Impartiality.

D. Creativity.

Comments:

8. Intergovernmental Affairs**1 2 3 4 5 NO**

A. Maintains effective communication with local, regional, state and federal government agencies.

B. Financial resources (grants) from other agencies are pursued.

C. Contributes to good government through regular participation in local, regional and state committees and organizations.

D. Lobbies effectively with legislators and state agencies regarding City programs and projects.

Comments:

Achievements relative to objectives for this evaluation period:

-
-
-
-
-
-

II. Summary Rating

Overall Performance Rating – Considering the results obtained against established performance standards as well as overall job performance, the following rating is provided:

Unsatisfactory ____ Improvement ____ Meets Job ____ Exceeds Job ____ Outstanding ____
Needed Standards Standards

Comments: _____

III. Future Goals and Objectives

Specific goals and objectives to be achieved in the next evaluation period:

- [illegible]

This evaluation has been reviewed and discussed between the City Council and the City Administrator on:

Sodaville City Council

Concurrence

Mayor Hibbert

YES / NO

Council President Roger Perry

YES / NO

Councilor Ray Jackman

YES / NO

Councilor Jeff Hensley

YES / NO

Councilor Brian Lewis

YES / NO

City Administrator Judy Smith

Next Evaluation Date

City of Mt. Angel
City Manager Annual Performance Evaluation

Evaluation Period: June 2017, 6 month review

City Manager: Amber Mathiesen

I. Introduction

The Manager's employment agreement has a section titled "Evaluation, Termination and Severance" which indicates that at the conclusion of six (6) months' service, the City Council will conduct an initial performance evaluation of Manager. Following the initial evaluation, the City Manager will be evaluated per their contract.

II. Evaluation

1. On a scale of 1-5 (1 being poor 5 being excellent) please rate the Manager in the following areas:

Performance Category	Score
Professionalism	
Relations with elected members of the governing body	
Policy execution	
Reporting/Communication	
Citizen Relations	
Staffing/Supervision	
Fiscal Management	

2. Overall, what's working well?

3. What does the City Manager do well? (Suggested topics to cover include:
Relationships with Mayor/Council, staff leadership, fiscal management, policy advice,
community relationships, intergovernmental relations, etc.)

4. What could the City Manager do better? (Suggested topics to cover include: Relationships with Mayor/Council, staff leadership, fiscal management, policy advice, community relationships, intergovernmental relations, etc.)

5. What is missing or needs action?

6. How is the City Manager doing in terms of implementing Council goals and policies?

III. Goals and Objectives for the Past Evaluation Period

IV. Goals and Objectives for the Upcoming Evaluation Period

V. Other Comments

This evaluation was reviewed and approved by the City Council as noted with signatures and dates below.

Andy Otte, Mayor Date

Ray Eder, Councilor Date

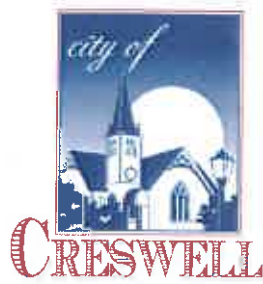
Kelly Grassman, Council President Date

Don Fleck, Councilor Date

Darren Beyer, Councilor Date

Pete Wall, Councilor Date

Karl Bischoff, Councilor Date



CITY OF CRESWELL ADMINISTRATOR EVALUATION POLICY

I. Policy

A. The City Council shall conduct an annual review and evaluation of the City Administrator's performance every November. The result of such evaluation shall commend areas of good performance and point of areas for improvement.

B. The evaluation process shall consist of an assessment of:

1. The City Administrator's achievement in implementing specified Council goals over the past year.

2. How the City Administrator performed the job, any Qualitative Considerations.

II. Evaluation Criteria and Instrument

The evaluation form shall consist of eight sections:

1. Goals/work assignment and City Administrator's progress.

2. Other goals and accomplishments.

3. Future goals/work assignments.

4. Job-related career goals.

5. Qualitative considerations.

6. Performance summary.

7. Performance improvements and recommended plan of action.

8. Merit increase recommendation.

III. Process

- A. City Council will meet with the City Administrator in a Goal Setting meeting before March of the calendar year. Goals for the next year will be discussed and decided.
- B. In October, City Council will be given the City Administrator Evaluation form. Each Councilor completes the form, signs, dates and returns to the City Recorder to be held until the evaluation.
- C. In November, an executive session will be held with the City Council and City Administrator to review the evaluation.

CITY OF CRESWELL
PERFORMANCE EVALUATION FORM FOR CITY ADMINISTRATOR

City Administrator:

City Councilor:

Review Period:

Date:

Section I – GOALS/WORK ASSIGNMENTS AND EMPLOYEE’S PROGRESS (List the goals/work assignments set during the goal-setting meeting. Explain the progress made on each goal and comment on how well it was accomplished.)

Section II – OTHER GOALS AND ACCOMPLISHMENTS (List the other goals and accomplishments for job-related activities.)

Section III – FUTURE GOALS/WORK ASSIGNMENTS (List the goals/work assignments set by City Council and City Administrator for the next evaluation period.)

Section IV – JOB-RELATED CAREER GOALS (List training, schooling or other career development programs needed to accomplish goals.)

Section V – QUALITATIVE CONSIDERATIONS (Describe any non-goal related considerations or comments related to the City Administrator’s job performance.)

Section VI – PERFORMANCE SUMMARY (Evaluate the City Administrator’s strengths, weaknesses, and overall level of competency not covered in sections 1-5.)

Section VII – PERFORMANCE IMPROVEMENTS AND RECOMMENDED PLAN OF ACTION (Describe the plan of action to be taken by the City Administrator and City Council to improve the employee’s performance.)

Section VIII – MERIT INCREASE RECOMMENDATION (Please check one.)

- ☐ Not Applicable
- ☐ This employee performed satisfactorily or better and should be granted a merit increase
- ☐ This employee has not met my expectations for satisfactory performance and should not be granted a merit increase

COUNCILOR SIGNATURE



RESOLUTION 2017-xxx

A RESOLUTION ADOPTING PROTOCOL AND AN EVALUATION DOCUMENT CONTAINING CRITERIA FOR THE REVIEW AND EVALUATION OF THE CITY MANAGER'S JOB PERFORMANCE AND DESCRIBING PROCESS FOR OBTAINING STAFF ASSESSMENT OF MANAGER'S PERFORMANCE

WHEREAS, the Sherwood City Council wishes to adopt a set of criteria to assist it and the City Manager in evaluating the City Manager's job performance;

WHEREAS, Exhibit "A" attached to this Resolution is a document which contains the criteria the Council wishes to use in performing its evaluation; and

WHEREAS, Council believes it necessary and appropriate for review and evaluation of the City Manager to obtain input from senior staff concerning their perceptions of the City Manager's performance.

NOW THEREFORE BASED ON THE FOREGOING, the City of Sherwood hereby resolves as follows:

Section 1. Exhibit "A" is hereby established as the City's Evaluative device for assessing the City Manager's job performance. The Mayor and Council President may, if they choose, delegate their duties described in Exhibit "A" to the City Attorney's Office.

Section 2. The terms of this resolution shall be and are effective as of the date of the adoption of this resolution by City Council.

Duly passed by the City Council this 19th day of September 2017.

Krisanna Clark-Endicott, Mayor

Attest:

Sylvia Murphy, CMC, City Recorder



CITY OF SHERWOOD PERFORMANCE EVALUATION CITY MANAGER

PURPOSE

The purpose of the City Manager's employee performance evaluation is to ensure communication between the City Council and City Manager concerning the City Manager's performance relative to his/her assigned duties and responsibilities as well as establishment of specific work-related goals and objectives.

PURPOSE

The Sherwood City Council will conduct a review and evaluation of the City Manager's work performance at least annually.

1. The City Manager prepares a memorandum to Council including his/her self-evaluation using the same performance evaluation form given to Council.
2. A confidential copy of the memorandum and self-evaluation will be distributed to Council members.
3. Senior Staff will be offered the chance, utilizing criteria described in Exhibit "A", to provide Council with their collective and individualized observations/perceptions on the City Manager's performance. These observations/perceptions will be treated as confidential and provided to the City Attorney's Office for that Office's compilation, summarization and transmittal to Council prior to beginning Step 4 below.
4. Electronic Evaluation forms to be used by Council members will be distributed by the City Attorney's Office.
5. Each council member will complete the online or paper form, if requested, and return it to the Mayor and Council President. The Mayor and Council President will tabulate and summarize the results of the evaluation forms as submitted and create a compiled evaluation. The Mayor and Council President can elect to have the City Attorney's Office complete this task.
6. Prior to the executive session the composite evaluation, memorandum, and self-evaluation will be distributed to Council in confidential documents.
7. The Mayor and council members will meet in executive session with the City Manager to discuss his/her compiled evaluation.
8. After the City Manager is dismissed the Mayor and Council will discuss the performance of the City Manager in executive session.
9. The City Council will meet with the City Manager in executive session to review the evaluation and performance, unless the City Manager requests an open meeting.

10. The Mayor will schedule a City Council meeting to adopt a resolution approving the final performance evaluation.
11. The Mayor will schedule a work session or Council agenda item if compensation or contract changes are desired by Council.

INSTRUCTIONS

Review the City Manager's work performance for the entire period under review; refrain from basing the evaluation solely on recent events or isolated incidents. Disregard your general impressions concentrating instead on each factor, one at a time. Evaluate based on standards you expect to be met for the position giving due consideration for the length of time he/she has held it. Check the number which most accurately reflects the level of performance for the factor being appraised using the rating scale described below. If you did not have an opportunity to observe a factor during the evaluation period, indicate so in the N/O column next to the factor.

CITY MANAGER PERFORMANCE EVALUATION

DATE: _____

RATING SCALE DEFINITIONS (1-5)

Unsatisfactory (1)

The employee's work performance is inadequate and definitely inferior to the standards of performance required for the job. Performance at this level cannot be allowed to continue.

Improvement Needed (2)

The employee's work performance does not consistently meet the standards for the position. Serious effort is needed to improve performance.

Meets Job Standards (3)

The employee's work performance consistently meets the standards of the position.

Exceeds Job Standards (4)

The employee's work performance is frequently or consistently above the level of a satisfactory employee, but has not achieved an overall level of outstanding performance.

Outstanding (5)

The employee's work performance is consistently excellent when compared to the standards of the job.

N/O

No Opinion.

I. PERFORMANCE EVALUATION AND ACHIEVEMENTS

1. City Council Relationships

- | | |
|--|---|
| A. Effectively implements policies and programs approved by City Council. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| B. Reporting to City Council is timely, clear, concise and thorough. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| C. Accepts direction/instructions in a positive manner. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| D. Effectively aids City Council in establishing long range goals. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| E. Keeps City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| F. Provides City Council with clear reports of anticipated issues that could come before the City Council. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| G. Assists City Council in resolving problems at the administrative level to avoid unnecessary Council action. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| H. Council agenda packet preparation is thorough and timely. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| I. Participates in City Council discussions and makes recommendations where appropriate, but allows Council to make policy decisions without exerting undue pressure. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |

Comments:

2. Community/Public Relations

- | | |
|---|---|
| A. Represents City with positive outlook and image. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| B. Is courteous to public at all times. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| C. Seeks to use criticism of self or City in positive ways. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| D. Maintains effective relations with media representatives. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| E. Available and visible to citizens. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| F. Open to suggestions from the public concerning improvements in services. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| G. Resolves citizen complaints consistent with Council policy in a timely manner. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| H. Open and honest with citizens. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| I. Development of community correspondence and events to inform and involve the public. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |

Comments:

Comments:

3. Effective Leadership of Staff

- | | |
|---|---|
| A. Encourages Department Directors to make decisions within their own jurisdiction without City Manager approval, yet maintains general control of administrative operations. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| B. Instills confidence and initiative in subordinates and emphasizes support rather than restrictive controls for their programs. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| C. Provides clear expectations and assignments, with deadlines, for Department Directors and holds them accountable. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| D. Has developed a friendly and informal relationship with the workforce as a whole, yet maintains the prestige and dignity of the City Manager office. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| E. Recruits and retains competent personnel for City positions. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |
| F. Provides an overall environment that encourages good employee morale, lessens employee turnover, and creates employee satisfaction in ability to participate in decision-making. | 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐ |

Comments:

4. Fiscal Management

- A. Prepares and proposes in a timely manner a balanced, understandable and realistic budget. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- B. Budget is well documented and organized to assist City Council with policy decisions. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- C. Seeks efficiency, economy and effectiveness in all programs. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- D. Controls expenditures in accordance with the approved budget. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- E. Keeps City Council informed about revenues and expenditures, actual and projected. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- F. Makes sound decisions that consider cost/benefit. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- G. Shows innovation in reducing expenses. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐

Comments:

--

5. Personal Traits

- A. Controls emotions effectively in difficult situations. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- B. Is creative in developing practical solutions to problems faced in the course of work. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- C. Is flexible in accepting and adjusting to change. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- D. Demonstrates personal honesty and frankness in day-to-day relationships. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- E. Seeks to improve own skills and knowledge. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- F. Completes work in acceptable time periods. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- G. Anticipates problems and develops effective approaches for solving them. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- H. Invests sufficient efforts toward being diligent and thorough in the discharge of duties. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- I. Composure, appearance, and attitude fitting for an individual in his/her executive position. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐

Comments:

6. Communication

- A. Written communications are clear, concise and accurate. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- B. Oral communications are clear, concise and expressed effectively. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- C. Keeps all City Councilors informed about important issues. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐

Comments:

7. Decision Making

- A. Attempts to obtain all available facts prior to making a decision. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- B. Is objective in decision making. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- C. Considers possible alternatives and their consequences before making a decision. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- D. Ability to reach timely decisions, and initiate action, without being compulsive. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- E. Uses common sense, tact and diplomacy. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- F. Notifies all affected parties prior to implementing decisions. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐

Comments:

8. Intergovernmental Relationships

- A. Represents City to intergovernmental bodies. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- B. Effective communication with local, regional, state, and federal government agencies. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- C. Financial resources (e.g. cost sharing, grants, etc.) from other organizations are pursued. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- D. Contributes to good government through participation in local, regional, and state committees and organizations. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐
- E. Lobbies effectively with legislators and state agencies regarding City programs and projects. 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/O ☐

Comments:

--

II. What have been the finest accomplishments of the City Manager this past year?

--

III. What areas need the most improvement? Why? What constructive, positive ideas can you offer the City Manager to improve these areas?

--

IV. SUMMARY RATING

Overall Performance Rating - the following overall rating is calculated by averaging each of the above ratings: _____

V. FUTURE GOALS AND OBJECTIVES

Specific goals and objective to be achieved in the next evaluation period:

--

This evaluation was reviewed and discussed between the City Council and the City Manager on: _____.

City Council

Concurrence

Krisanna Clark-Endicott, Mayor

YES / NO

Jennifer Harris, Council President

YES / NO

Kim Young

YES / NO

Sally Robinson

YES / NO

Jennifer Kuiper

YES / NO

Sean Garland

YES / NO

City Manager

Joseph Gall

BUILDING RESILIENT COMMUNITIES



The more we grow, the poorer we become

By Charles Marohn, Jr.

As a young engineer, I remember sitting in a city council meeting where a senior colleague presented my analysis on the massive backlog of road maintenance the community was facing.

My estimation was that the capital budget needed to be increased by five times just to keep from falling further behind. This felt like a total disaster! There was no way that kind of budget increase was ever going to happen, especially given the long list of other needs the city was facing.

And I knew that the obvious question of reckoning must be coming: How did we get to this point?

My colleague soberly reviewed the numbers and then deftly shifted the conversation into a discussion on funding. The city could raise taxes which, of course, we were not recommending. Better not to be the one to open that book since everyone in the room understands how that story ends.

There was hope that the state and federal governments might come up with some solution, especially since so many places are in the same situation. Hope, in this instance, is a feeling sort of like people have when their team is down three scores with the clock running out. We all know success is highly unlikely,

but remember that one game. . . ?

Hope is a psychological bridge that allows us to justify embracing the Holy Trinity of Decline: growth projections, subsidies, and debt.

We hope new growth will provide more revenue. Our desperation—although we would rather call it “commitment”—is such that we’re prepared to subsidize that growth into existence, if need be. And when all else fails, we can handle this cash shortfall, which we hope is temporary given that we’re investing in growth, by taking on debt.

To my dismay, the presentation ended without a reckoning. The hard question was never asked, and so the uncomfortable reality was never explored. Still, at some point over the coming days, I was certain that nearly everyone in attendance would ponder it.

How did this happen?

An Insolvency Crisis

The people who work at ratings agencies largely believe that municipal debt is as close as an investor can get to risk-free. This holds even in states like Illinois, New Jersey, and California, where pensions are a blinking red light on the dashboard of every budget projection.

The consensus belief is that, since widespread municipal defaults have not happened since the Great Depression,

they are not likely to happen in the future.

There is a lot missing in that narrative. The first is that nearly every local government in the United States is currently defaulting on their obligations. Local governments make all kinds of promises—to properly maintain infrastructure, to adequately fund pensions, to staff police and fire departments—that they are failing to keep.

Unlike a debt default, these soft defaults are explained away as public policy choices. This ignores the connection between the capacity to pay debts and the capacity to keep other promises.

Both rely on local government tapping into the wealth of the community. Whatever combination of property, sales, and income tax is used, there must be capacity there to pay.

You can’t tax what’s not there. As public obligations grow, private wealth within the community must keep pace. Yet accounting rules and practices completely ignore this reality.

When a community builds a new road, that piece of infrastructure comes with a future obligation for maintenance. Local officials can estimate, with a good degree of precision, when that obligation will come due and roughly how much it will cost.

In normal accounting terminology, that would be considered a future

liability. In the magical world of municipal accounting, however, that road is labeled an asset.

Never mind that it can't be sold or transferred, and never mind that it carries a future maintenance obligation, it's counted on the asset side of the ledger. Standard accounting practices state that the more roads a community has and the more future promises it makes, the richer it is.

Simultaneously, these same rules give no consideration to the wealth being created, or not. That new road can serve 100 million dollars of property or a tax-exempt forest; it's all the same on the community's balance sheet.

If this sounds incoherent, it is. National economic policy since the Great Depression has focused on growth and employment, not on the broad creation of wealth. In the words of Czech economist Tomas Sedlacek, we've been willing to "sacrifice stability to achieve growth."

Local governments can't function this way, not over the long run. They can't take on more and more promises without generating enough wealth to meet those obligations—not without a reckoning.

A Lack of Wealth

Consider a common North American development scenario, one that played

out in my hometown of Brainerd, Minnesota. Two identically sized blocks are separated by a third.

They are in the same neighborhood and on the same thoroughfare. They are the same size and have the same amount of public infrastructure and maintenance cost.

The westerly block I've labeled "Old and Blighted." It was erected in the 1920s, back when neighborhoods were built incrementally over time. When these buildings were constructed, this was the far edge of town. They were small investments that, if things worked out, could be expanded and improved as the community grew.

There would not have been any public infrastructure when these were built; theoretically, that would come later when the neighborhood reached a level of maturity that justified the ongoing public expense.

What you see demonstrated in the Old and Blighted block is the way that civilizations have been building for thousands of years: They begin with nothing, but with time and effort, they end up creating something. Historically, this is the first building block of a successful place.

Contrast this with the easterly block, which I've labeled "Shiny and New."

This block used to look like the Old and Blighted block, but the community worked to get those buildings torn down and replaced by a new drive-through taco restaurant.

Not only did this transaction remove blighted properties, but the new site met all the city's policy objectives. It fully conformed with the zoning code, including setbacks, lot coverage, and sign placement.

It eliminated the on-street parking, allowing traffic to flow more smoothly. It even provided greenspace and some stormwater retention capacity.

By nearly every measurable objective, the Shiny and New block is more desirable than the Old and Blighted block. There is one significant measurement, however, where it falls short: wealth.

Total Value of the Old and Blighted Block: \$1,104,000.

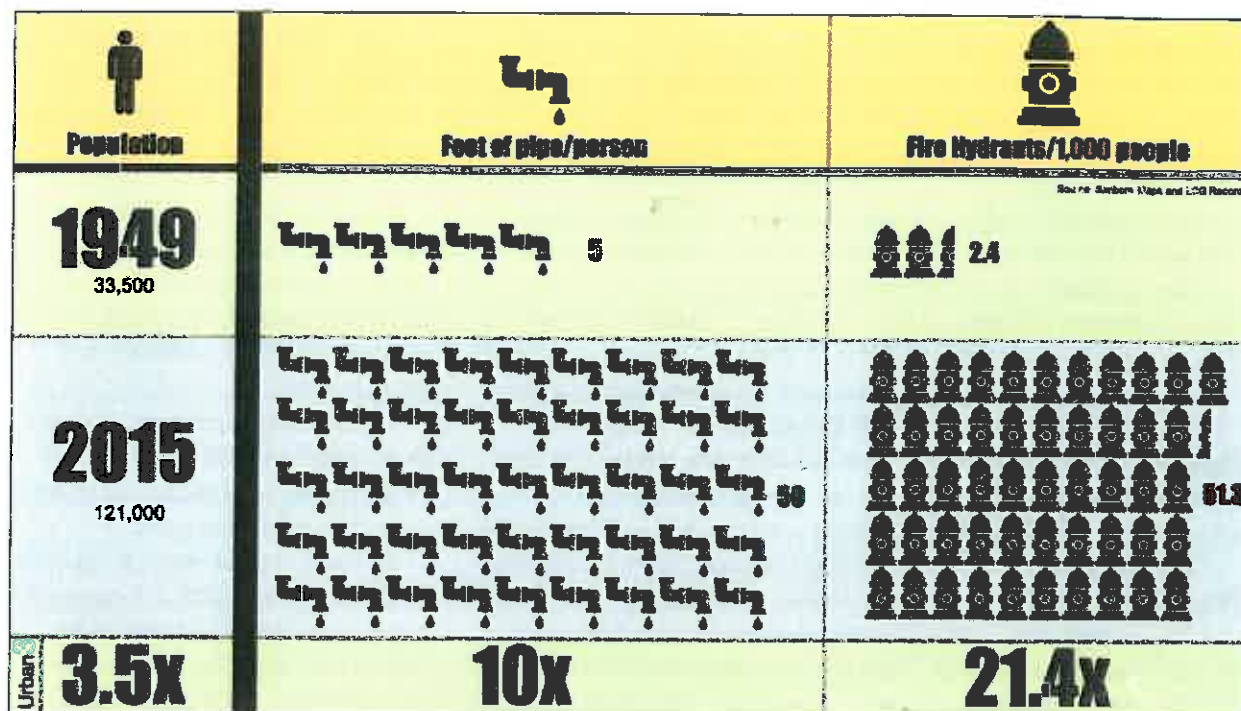
Total Value of the Shiny and New Block: \$618,000.

That decrepit, old block the community would love to have razed is worth 80 percent more than the modern block. It pays 80 percent more property tax to the community. And not only does the Old and Blighted block outperform financially by a significant margin, it does so at the same cost to the taxpayer.

Figure 1. Brainerd Blocks.



Figure 2. Lafayette Pipes and Hydrants.



This illustration shows the growth in population, feet of pipe, and fire hydrants in the city of Lafayette, Louisiana, between 1949 and 2015. While the population has increased only 3.5 times since 1949, the amount of water infrastructure for the city has grown many times larger.

Meanwhile, the median household income for the city has increased by only 1.6 times according to U.S. Census figures. This math simply doesn't add up.

This is a pattern we see repeated everywhere across North America.

Simple Math

Despite the obfuscation of modern accounting practices, the math equation for a local government is fairly straightforward: a public infrastructure investment must generate enough private wealth to pay for the ongoing replacement and repair of that infrastructure or, if it is to be sustained, it must be subsidized by a more financially productive part of the system.

Analyses of new developments suggest that a *minimum* of \$20 in private wealth is needed to sustain, for the long term, each dollar of public infrastructure investment. A ratio of 40:1 would provide an optimal buffer for future uncertainty.

Yet, when we examine modern North American localities, it is common to find ratios of 1:1 or worse. That is, in the current development pattern, it takes one dollar of public infrastructure investment

to create one dollar of private wealth. That's a formula for economic disaster.

Consider a municipal sewer system. Pre-depression systems tended to rely on gravity flow, which is extremely cheap once the pipe is installed. Properties of that period tend to be skinny and deep, minimizing the amount of pipe needed per connection (or, said another way, maximizing the amount of private wealth per foot of public obligation).

Good urban design would place buildings on higher ground with treatment facilities downhill, a setup with a lower financial burn rate.

Today, designers generally don't worry about the public's return-on-investment. Parcels are wide and shallow, spread out with a lot of gaps in between. Pumps, which are expensive to operate, maintain and replace, are commonly used to provide service to marginal properties.

This is all expensive, and while the initial construction costs are often covered by a developer and rolled into

the sale price of the home, taxpayers assume the burden of providing ongoing service and maintenance.

Yet, despite the large discrepancy in public cost, a residential home on a remote lot with a dozen pumps to get its sewage to a treatment facility will be charged the same as the home on the narrow lot with gravity flow all the way.

With decades of building in this new style—everything spread out across the landscape—the costs are enormous yet the comparative wealth is marginal. Our communities are bigger, yet financially less productive. We have grown our tax base, but our expenses have grown even more. This is not working.

A Strong Towns Approach

In the current approach to managing local governments, the more they grow, the poorer they become. While that growth may improve a city or county's short-term cash flow, it destroys the long-term solvency.

It all gets back to that simple math problem. To make our communities not just solvent but financially strong and resilient, we must increase our wealth without increasing—and perhaps even by decreasing—our expenses.

Instead of focusing on new growth, we need to obsess about making more productive use of that which we've already built.

That's not a modest tweak in approach but a radical revolution in how we plan, manage, and inhabit our cities, counties, and neighborhoods. It calls for a different relationship between local government and residents, between management professionals and the communities they serve.

It requires that the priorities of the state and federal governments to boost economic growth and lower unemployment become subordinate to the essential requirement that local governments remain financially viable.

A strong country is the byproduct of having strong communities and neighborhoods, not a substitute for it.

There is no clear road map for this revolution. No nation in history has systematically transformed the development pattern of an entire continent, within a single generation, changing everything about how we make a living, transact with each other, fall in love, make collaborative decisions, keep the peace, and perform other social functions.

We find ourselves operating without universal answers to the complex problems communities and neighborhoods face. At Strong Towns, we seek to discover rational ways to respond to these challenges.

Here is our approach:

- Rely on small, incremental investments (little bets) instead of large, transformative projects.
- Emphasize resiliency of result over efficiency of execution.
- Design to adapt to feedback.

- Inspire by bottom-up action (chaotic but smart) and not top-down systems (orderly but dumb).
- Seek to conduct as much of life as possible at a personal scale.
- Obsess about accounting for revenues, expenses, assets, and long-term liabilities (do the math).

The Strong Towns movement is growing. We have thousands of members around the world, including elected officials, management professionals, and many other people who share a passion for building great places. These people are working collaboratively to make their communities and neighborhoods as strong as they can be.

You can learn more and join us in this revolution at www.strongtowns.org. **PM**



CHARLES MAROHN, JR., is president, Strong Towns, and lives in Brainerd, Minnesota (@clmarohn; team@strongtowns.org; all Strong Towns staff members work remotely).

He will be a featured speaker at ICMA's 104th Annual Conference in Baltimore, Maryland, September 23–26, 2018.

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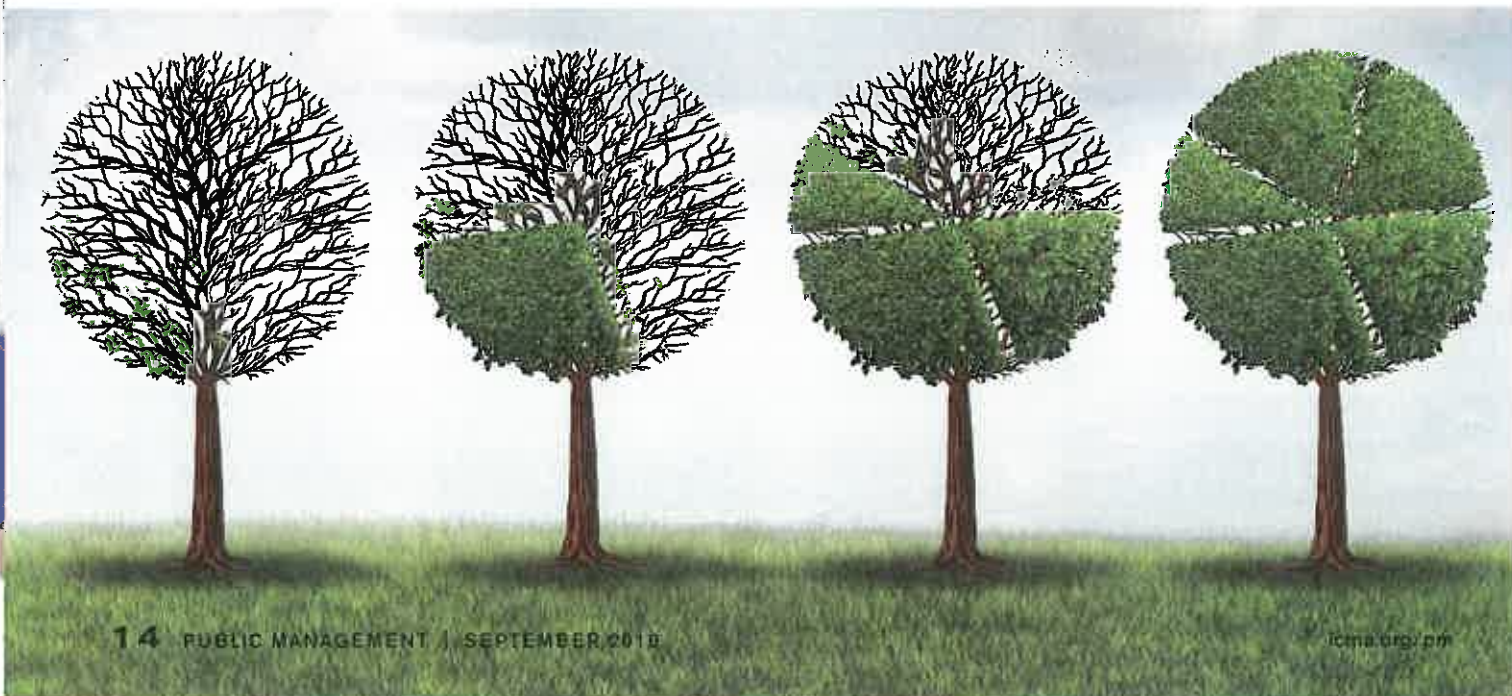
Translating Nobel Prize-winning economics to public finance

By Shayne Kavanagh

For many local governments, financial sustainability seems to be an elusive goal even many years after the Great Recession.¹ In fact, according to a 2015 Government Finance Officers Association (GFOA) member survey, financial sustainability is a perennial concern.

Another economic downturn would be debilitating to local and state government finance and the public services on which people depend. Such concerns become magnified when considering these forces that will add financial pressure for local governments:

- **Aging population.** From 2016 to 2060, the number of Americans age 65 and older is projected to more than double.² An aging population earns less income, uses more public services, and spends a greater portion of its income on non-taxable goods and services (e.g., health care).³
- **Pensions and health-care costs.** Health-care cost increases are still well above typical government revenue growth. Local governments can expect health-care costs to remain a challenge.⁴ The pension funding challenges faced by many local governments add a large expenditure to the budget.
- **Infrastructure maintenance and renewal.** According to the American Society of Civil Engineers, U.S. infrastructure rates a “D +” and requires a \$2 trillion investment over 10 years to bring existing infrastructure into good condition.⁵ Though not all of this required investment falls on local governments, enough of it does to create a significant financial burden.
- **Inequality.** Income and wealth inequalities have grown substantially over the past 30 years.⁶ Since 1980, real wages for the bottom 60 percent of wage earners has been essentially flat.⁷ Local government tax systems



are designed to tax a broad segment of the population, yet a broad segment of the population is experiencing little to no growth in the income from which those taxes are drawn.

Further, as state and federal governments face their own financial challenges, due in part to the trends described above, they may push more responsibilities on to local government and share less revenue. Local governments, for this reason, must find a new way to ensure their ongoing financial health, and thereby ensure their ongoing ability to provide for the health, safety, and welfare of residents.

A New Approach

A promising new approach for local governments in the 21st century has its roots in 19th century England. Victorian economist William Forster Lloyd articu-

A local government budget has important similarities to the commonly owned grazing area. A government and its financial resources are commonly owned by all residents of the government. Each stakeholder of the government has an incentive to extract resources from the public budget.

Stakeholders often find themselves in competition with others to get resources, and therefore, try to get as much as possible in case they lose the resources to others. The long-term result could look much like the commonly owned grazing area.

The Tragedy of the Commons inspired a line of modern economic research called "common pool resource theory," which is concerned with how to create sustainable management of such commonly owned natural resources as grazing lands, fishing

general-purpose cities and counties can use these ideas, too. This is because all local governments, from big to small, from general to specific purpose, are a resource that is commonly owned by the communities that they serve.

Comprehensive System

GFOA's new financial sustainability model is comprehensive. It includes strategies for leaders to inspire pride, loyalty, and enthusiasm so that followers will want to help make the organization financially sustainable.

It also includes design principles for local government institutions, which set the rules of the game for how local government and other, related organizations work together for a sustainable financial future.

The best summarization of GFOA's complete system of financial sustainability

Engaging people in decision making gives them a voice. When people have a voice, they will feel more committed to the success of the organization.

lated an idea that, today, is expressed as this parable:⁸

A group of farmers have common ownership of a grazing area. The individual farmer has the incentive to send his animals to the common grazing area as much as possible. This is because the additional cost to use the grazing area is zero (it is commonly owned) and if he doesn't send his animals, the other farmers' animals still graze, thus depriving the individual farmer's herd of potential food.

All farmers face the same incentive and so all send their animals to the common grazing area. The result is that the common area is eventually overgrazed and becomes barren. This is called "the Tragedy of the Commons."⁹

stocks, or forests. One of the originators of this line of research was Elinor Ostrom, who was awarded a Nobel Prize for her work in 2009.

GFOA, National Civic League, Lincoln Institute of Land Policy, and university researchers have translated common pool resource theory to local government to develop a new model for financial sustainability. Using more than 20 case studies of local governments and feedback from practitioners, Ostrom's Nobel Prize-winning work was translated to public finance.

We found that Ostrom's work can be applied to local governments of different sizes, from Los Angeles County (population more than 10 million) and San Bernardino County, California (population 2.1 million), to the city of Dubuque, Iowa (population 58,500).

Special purpose districts, like schools or water utilities, and

can be found in the concept of "strong reciprocity."¹⁰ Reciprocity is the practice of exchanging with others for mutual benefit.

Strong reciprocity reinforces mutually beneficial exchange and is essential for the functioning of complex societies and organizations. Strong reciprocity has two features that lead to widespread cooperation.

First, people are conditional cooperators, meaning we will cooperate as long as others do, too. Second, people are altruistic punishers, which means we are willing to punish others for taking advantage of the system—even if applying that punishment will cost us personally.

Strong reciprocity applies to the financial sustainability of a local government. Diverse stakeholders must cooperate to preserve the long-term financial health of a local government, and there must be consequences for taking undue advantage of public resources.

GFOA's framework supports strong reciprocity and thereby, financial sustainability in a local government in five ways (see Figure 1):

1. Establish a long-term vision to give people a reason to cooperate over a sustained period of time.
2. Build trust and open communication to encourage cooperation.
3. Use collective decision making to foster a forum to cooperate.
4. Set rules and ensure they are followed.
5. Treat participants fairly under the rules.

Establish a long-term vision to give people a reason to cooperate over a sustained period of time. A long-term vision helps people understand why it's important to work together. A long-term vision also accentuates the need to fairly distribute the costs and benefits of government services across different generations of residents.

Local government leaders should facilitate the development of a shared vision for the community, including through a strategic planning process. To illustrate, San Bernardino County, California, articulated a vision for the entire county.

The process was inclusive of the municipal governments located within the county as well as a number of nonprofit and private organizations. The vision was to make a real improvement in the lives of community members

by, for example, improving childhood literacy and community health.

These broadly relevant and meaningful indicators made it clear why the county government needed to be sustained, and enlisted other organizations is reaching the vision, thereby reducing the resources required of the county government.

A local government, however, can't be fixated just on the long term. Leaders must also strike a balance between long-term considerations and responding to immediate needs. For example, they might consider merging long-term forecasting with annual budgeting.

Build trust and open communication to encourage cooperation. Open communication allows people to realize their shared interests and to arrive at an understanding of how local government resources can be used for the benefit of all in a community.

Trust is essential if people are going to risk giving up something that benefits them as individuals in order to benefit the entire group. This applies to negotiating budgets across departments and different community groups.

There are local governments, for example, that have found success in using cross-departmental teams to make decisions about how the budget will be allocated, rather than relying on individual departments to submit individual budget requests.

The latter method is essentially a competition between departments that can reinforce the individualist, competitive behaviors that brought tragedy to the commons. The former method asks departments to reach across silos to make decisions in the interest of an entire organization.

Use collective decision making to foster a forum to cooperate. Collective decision making is critical to avoiding a Tragedy of the Commons in local government. Engaging people in decision making gives them a voice. When people have a voice, they will feel more committed to the success of the organization.

Engaging people can also improve the quality of decisions because the decisions will better reflect people's needs. This supports perceptions of legitimacy in how public resources are used. Local governments that have been most successful with public engagement have identified critical capacities.

Financial decision making, for example, is essentially about making trade-offs, where there often is no optimal outcome. Members of the public must, therefore, also make trade-offs, rather than simply advocating for their preferred position.

Even if the trade-offs they are asked to make are simplified over an actual budget, it helps residents better appreciate the perspectives of others and the realities of limited resources.

Figure 1. The Path to Financial Sustainability.



Strong reciprocity reinforces mutually beneficial exchange and is essential for the functioning of complex societies and organizations.

Collective decision making can also take place between local governments. Complex challenges demand more resources than governments have. A local government can join with other organizations to form a network committed to addressing community challenges at a sustainable cost.

Set rules and ensure they are followed. Rules define how decisions are made about public resources and the time horizon that decisions will consider. A financial policy, for example, might define the amount of money a community will keep in its rainy-day fund. Rules must be accompanied by a system that brings transparency to decision making.

A system of monitoring encourages people to operate within the rules and helps them trust that other people are doing the same. People might sometimes be tempted to go outside of the rules, so local government leaders must maintain the ability to reinforce cooperative behavior among people.

Local institutions must be set up to give people the incentive to cooperate. Lighter touch incentives are essential. Terminating a department head that exceeds his budget, for example, is a blunt instrument.

One city created a rule that required department heads who exceeded their budgets to appear before the city's resident budget committee and explain why they exceeded it and then return for the next two months to report on their progress on getting back within budget. The city found that compliance with budgets improved markedly.

Local governments must also be mindful to eliminate incentives that encourage unsustainable behavior.

Departments can often rush to spend out their budgets when the year

ends so as not to lose that funding from their budgets the next year. And so, local governments need to find out where they might actually be encouraging unsustainable behaviors and then change these incentives.

Treat participants fairly under the rules. The perceived fairness of a system is critical to people's decision to support that system. If they feel unfairly treated, they will not be willing to cooperate or respect the rules.

Residents must feel they are getting a beneficial exchange of taxes and fees for public services. More generally, decision-making processes must be regarded as fair and should handle conflicts constructively.

Here are examples: If budget decisions are made based on information that is perceived to be accurate; if a transparent and consistent set of decision-making criteria is applied to everyone equally; if all affected stakeholders are given the opportunity for input; and if decisions that don't work out can later be corrected.

Then people will be more likely to support the decision, even if the decision is not their preferred outcome. These characteristics come from a body of research called procedural justice.

Finally, local government itself must have its decision rights recognized by other levels of government. Local governments must preserve enough independence from state and federal governments to make choices that best fit local conditions.

GFOA has gathered a wealth of case study evidence to show how local governments have put each of these supports in place. It is also pilot testing a program that invites local governments to self-assess the extent to which their financial

decision-making systems exhibit the characteristics of a financially sustainable decision-making system.

Managers can find out about the latest research and how to get access to these materials by contacting the author or visiting <http://gfoa.org/financial-sustainability>. **RM**

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MODEL

LEAGUE OF OREGON CITIES

Model Charter for Oregon Cities

**SEVENTH EDITION
JANUARY 2018**



TABLE OF CONTENTS

Foreword	1
Preamble.....	2
Section I – NAMES AND BOUNDARIES	2
Section 1.1. Title.....	2
Section 1.2. Name.....	2
Section 1.3. Boundaries	2
Section II – POWERS	2
Section 2.1. Powers	2
Section 2.2. Construction.....	2
Section 2.3. Distribution	2
Section III – COUNCIL.....	3
Section 3.1. Council.....	3
Section 3.2. Mayor.....	3
Section 3.3. Council President.....	3
Section 3.4. Rules.	4
Section 3.5. Meetings.	4
Section 3.6. Quorum	4
Section 3.7. Vote Required.....	4
Section 3.8. Record.....	4
Section IV – LEGISLATIVE AUTHORITY	5
Section 4.1. Ordinances	5
Section 4.2. Ordinance Adoption	5
Section 4.3. Effective Date of Ordinances	5
Section V – ADMINISTRATIVE AUTHORITY	6
Section 5.1. Resolutions	6
Section 5.2. Resolution Approval	6
Section 5.3. Effective Date of Resolutions	6
Section VI – QUASI-JUDICIAL AUTHORITY.....	7
Section 6.1. Orders	7
Section 6.2. Order Approval.....	7
Section 6.3. Effective Date of Orders.....	7
Section VII – ELECTIONS.....	7
Section 7.1. Councilors.....	7
Section 7.2. Mayor.....	8
Section 7.3. State Law	8
Section 7.4. Qualifications.....	8
Section 7.5. Nominations.....	8
Section 7.6. Terms	8
Section 7.7. Oath	8
Section 7.8. Vacancies.....	9
Section 7.9. Filling Vacancies	9
Section VIII – APPOINTIVE OFFICERS	10
Section 8.1. City Manager	10

Section 8.2. City Attorney	11
Section 8.3. Municipal Court and Judge.....	12
Section IX – PERSONNEL	13
Section 9.1. Compensation	13
Section 9.2. Merit Systems	13
Section X – PUBLIC IMPROVEMENTS.....	13
Section 10.1. Procedure	13
Section 10.2. Special Assessments	13
Section XI – MISCELLANEOUS PROVISIONS.....	13
Section 11.1. Debt	13
Section 11.2. Ordinance Continuation.....	13
Section 11.3. Repeal	13
Section 11.4. Severability	13
Section 11.5. Time of Effect.....	14
Appendix A – GENERAL GRANTS OF POWER	15
Appendix B – PROVISIONS NOT INCLUDED IN THE MODEL CHARTER.....	17

FOREWORD

This is the 7th edition of the Model Charter for Oregon Cities. It is the second published by the League of Oregon Cities. Previous versions were published by the Bureau of Governmental Research and Service at the University of Oregon.¹

The purpose of the Model Charter is to serve as a guide for charter drafting by city officials and citizens by providing a foundation for meeting different needs and policy choices about city government structure. It is not intended for submission to community voters without discussion. Each city that undertakes charter revision or the preparation of a new charter must consider provisions and procedures that best serve its unique community.

This 2018 version contains several minor changes from the 6th edition of 2004. The format continues as one document. All models prior to 1988 had two separate versions: one for the mayor-council form of government and one for the council-manager form of government. Language for the council-manager form is now presented in the text. Except for the city manager section 8.1, this model is useful for cities without a city manager. Alternative mayor-council language is included in the footnotes.

This edition makes numerous clarifications, simplifications and style changes from previous versions including the addition of a table of contents and an updated section numbering system.

¹ The first Oregon Model Charter was published in 1947; revisions were published in 1951, 1959, 1967, 1988 and 2004.

PREAMBLE

We, the voters of _____, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.²

Section I NAMES AND BOUNDARIES

Section 1.1. Titles. This charter may be referred to as the 20____ Charter.³

Section 1.2. Names. The City of _____, Oregon, continues⁴ as a municipal corporation with the name City of _____.⁵

Section 1.3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Section II POWERS

Section 2.1. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant⁶ or allow⁷ the city, as fully as though this charter specifically enumerated each of those powers.⁸

Section 2.2. Construction. The charter will be liberally construed⁹ so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as

² This uses the “voters” language of Article XI, section 2 of the Oregon Constitution and makes clear the intent to use all the home rule power.

³ Insert the year the charter is adopted and the city name. For convenience, this may be used as the charter’s short title.

⁴ The continuity of a city’s existence is not broken by the adoption of a new charter.

⁵ If this section changes the name of the city, it may read: “The municipal corporation previously known as the City of _____ continues under this charter as a municipal corporation with the name ‘City of _____.’”

⁶ The city home rule amendments to the Oregon Constitution reserve powers to city voters. Oregon Constitution, Article XI, section 2 (1906, 1910). The Oregon Supreme Court has said that the amendments are a “continuous offer” of “all powers properly belonging to municipal government.” *Robertson v. City of Portland*, 77 Or 121, 127 (1915). The offer is conditional. City voters may accept the offer by adopting charter terms. This general grant of power accepts the offer completely.

⁷ The US Constitution does not mention cities, but does not restrict city actions. The Oregon Constitution imposes some restrictions, but also authorizes city actions. Federal and state statutes impose many requirements and restrictions on cities, but still authorize or allow them a wide range of action. “Allow” in this section is intended to provide a basis for city authority to act even though the city cannot identify clear statutory authority for the city action. It assumes the authority is municipal in nature and not prohibited by federal or state law.

⁸ Appendix A discusses the legal basis for general grants of authority.

⁹ This requirement that the charter be liberally construed is intended to negate the effect of a rule of strict construction of city charters known as Dillon’s Rule.

to all municipal legislation to city voters.¹⁰ This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.¹¹

Section III COUNCIL

Section 3.1. Council. The council consists of a mayor¹² and six councilors¹³ nominated and elected from the city at large.¹⁴

Section 3.2. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority.¹⁵

- a) With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The mayor must sign all records of council decisions.¹⁶
- c) The mayor serves as the political head of the city government.¹⁷

Section 3.3. Council President. At its first meeting each year, the council must elect a president

¹⁰ Article IV, section 1, subsection (5) of the Oregon Constitution.

¹¹ While part of federal and state government structures, separation of powers is rarely found in cities. The council has powers analogous to those of the three branches of the federal government and the three departments of the Oregon government. The context, substance and form of council decisions determine the nature of the power exercised. Only the council may adopt ordinances and exercise its legislative authority. Only its legislative authority is subject to voter initiative and referendum. The council may by ordinance delegate its administrative and quasi-judicial authority.

¹² Although some charters provide that the mayor is not a member of the council, this model recommends that the council include the mayor as a member. This means that the mayor participates in and votes on matters before the council as do other council members. Section 3.2 states that the mayor is a voting member of the council. If the mayor is not to have a council vote, then section 3.1 should state that the council consists of a specified number of councilors elected from the city at large.

¹³ Some Oregon cities have five-member councils. If the council is to have five members, “six” needs to be changed to “four.” A city may want a larger council of nine members or more. If so, “six” needs to be changed accordingly.

¹⁴ Most Oregon cities nominate and elect councilors at large. Some nominate and elect councilors by district or ward. A third option is to nominate by district and elect at large. If there are districts, then the district boundaries must be specified. The most efficient way of doing this is by ordinance. For that purpose, this section could read: “The council consists of a mayor nominated and elected at large, and six councilors nominated and elected by districts with the boundaries fixed by ordinance.” District boundaries must be periodically adjusted to meet equal protection requirements. Most charters that provide for election of councilors by district also require as a qualification that each councilor reside in the district the councilor represents and continue to so reside for the term of office.

¹⁵ Some charters permit the mayor to vote only to break a tie. If the mayor’s vote is to be so limited, this section needs to be changed accordingly.

¹⁶ The council may assign by ordinance or council rules additional duties to the mayor for authenticating ordinances, resolutions, orders, and other council documents.

¹⁷ This section adds facilitator and political leader to enhance the role of the mayor. It makes specific the apparent and inherent authority of the office of mayor. It also parallels the administrative authority of city manager in section 8.1. It follows the example of the 8th edition of National Civic League (NCL) Model Charter (2011).

from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 3.4. Rules. The council must by resolution adopt rules to govern its meetings.^{18, 19}

Section 3.5. Meetings. The council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.

Section 3.6. Quorum. A majority of the council members is a quorum to conduct business.²⁰ In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly.²¹ In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.²²

Section 3.7. Vote Required. The express²³ approval of a majority of a quorum of the council is necessary for any council decision,²⁴ except when this charter requires approval by a majority of the council.²⁵

Section 3.8. Record. A record of council meetings must be kept in a manner prescribed by the council rules and the laws of the state of Oregon.²⁶

¹⁸ Council meetings must comply with the requirements of the Oregon Public Meetings Law. ORS 192.610 –192.710. Council rules should be considered administrative and adopted by resolution. They are easier to keep updated and less formal than if adopted by ordinance. Also, they are not subject to initiative and referendum.

¹⁹ The League has published a set of Model Rules of Procedure for Council Meetings available at: <http://www.orcities.org/Portals/17/Library/Model%20Procedures%20for%20Council%20Meetings%203-31-17.pdf>.

²⁰ A majority is more than half of the council. For a seven-member council, a quorum is four or more.

²¹ For example, if a seven-member council has one vacant position due to resignation or other events, the quorum remains at four. If there are two vacant positions, the quorum is reduced to three. If a five-member council has one vacant position, the quorum remains at three. If there are two vacant positions, the quorum is reduced to two.

²² For example, council rules may state that the members present may order a city police officer to find and bring an absent member to the meeting. The rules may also provide a penalty for the absent member.

²³ “Express” is used here to clarify the effect of abstention from voting. At common law abstention from voting was regarded as concurrence with the decision. Thus, the concurrence could be either affirmative or negative depending on how the majority voted on a decision. “Express” is intended to make clear that an abstention from voting on a question may not contribute to answering the question affirmatively; it amounts to a “no” vote. Use of the word “express” means that no vote less than a majority of a quorum may decide affirmatively a question before the council.

²⁴ A “decision” is any action taken by council vote. This includes votes on formal documents such as ordinances, resolutions, orders and contracts. It also includes votes to direct city staff, and other questions and motions before the council. Unless the charter provides otherwise, the council may act affirmatively through less than a majority of its positions. A seven-member council thus may act through three councilors; its quorum is four. A five-member council may so act through two members; its quorum is three. A question may be decided negatively by fewer councilors than required to decide it affirmatively. For example, a 2 to 2 vote or a 2 to 1 vote when the quorum is four councilors, and one councilor is absent.

²⁵ Some charter sections require a vote of a majority of the council to make certain decisions. In this model, they are sections 4.2(a), 7.9, 8.1(b) and (d), 8.2 and 8.3(a). Section 4.2(b) requires a unanimous vote of at least a council quorum to adopt an ordinance at one meeting.

²⁶ The Oregon Public Meetings Law, ORS 192.650, requires cities to provide for sound, video, digital recording or the taking of written minutes. This section provides an independent requirement for council records and authorizes the council to adopt requirements in addition to those of state law.

Section IV

LEGISLATIVE AUTHORITY²⁷

Section 4.1. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of _____ ordains as follows:”.

Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.²⁸
- b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council,²⁹ provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.
- d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
- e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian’s name and title.

Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.³⁰

²⁷ The most significant power granted to cities is the authority to adopt legislation. Legislation is local law that applies throughout a city. Legislative authority is properly exercised in the form of ordinances. City charters traditionally prescribe specific requirements for adoption of ordinances, and no provisions for approval of resolutions (administrative) or orders (quasi-judicial). Only using ordinances for legislation and using other forms for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation.”

²⁸ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is calculated on the temporarily diminished membership. However, action by a majority of a quorum (e.g. three votes when quorum of four is present) is not sufficient to enact an ordinance under this section. See note 21 above.

²⁹ This section requires the presence of at least four councilors and a unanimous vote to adopt an ordinance at one meeting when there is a seven-member council. The presence of three councilors and a unanimous vote is required when the council has five members.

³⁰ Ordinances containing an emergency clause take effect immediately and are not subject to referendum. Legislation may not take effect when it is subject to referendum. Procedures for city initiative and referendum are found in ORS 250.255 to 250.355, and city ordinances. Emergency clauses are legislative and not subject to judicial review. *Kaddery v. City of Portland*, 44 Or 118 (1903). City use of an emergency clause preventing a referendum on the ordinance is not subject to federal court review as a violation of civil rights. *Stone v. City of Prescott*, 173 F3d 1172 (9th Cir 1999).

Section V

ADMINISTRATIVE AUTHORITY³¹

Section 5.1. Resolutions. The council will normally exercise its administrative authority by approving resolutions.³² The approving clause for resolutions may state “The City of _____ resolves as follows:”

Section 5.2. Resolution Approval.

- a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.³³
- b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.
- c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.
- d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.

Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.³⁴

³¹ Councils formally exercise their administrative authority in the form of resolutions. Administrative decisions normally implement requirements of city ordinances and state statutes. Examples include city budgets, budget amendments, financial transfers, public contracts, fees and charges, council rules, and city personnel rules. Administrative decisions often are “internal” and relate to the city government. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative), and include no provisions for approval of resolutions (administrative). This model suggests that charters specifically recognize council resolutions as the proper form for the exercise of its administrative authority. Use of this form for non-legislative decisions makes clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation”, but not municipal administration.

³² The preferred method for the council to exercise its administrative authority is by resolution. However, “normally” is used in this sentence to allow the council to approve contracts and other documents, give direction to the city manager, city attorney and city employees, and make other administrative decisions by approving a motion without adopting a resolution.

³³ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve a resolution under this section. See note 19 above.

³⁴ ORS 221.310(3) applies to cities of 2,000 or more. It provides that a resolution may take effect any time after passage by the city council. The resolution must state the resolution effective date in a separate section.

Section V

QUASI-JUDICIAL AUTHORITY³⁵

Section 6.1. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state “The City of _____ orders as follows:”

Section 6.2. Order Approval.

- a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.³⁶
- b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.
- c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.
- d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian’s name and title.

Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

Section VII

ELECTIONS

Section 7.1. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected.³⁷ At each general election after the adoption, three councilors will be elected³⁸ for four-year terms.³⁹

³⁵ Quasi-judicial authority is normally exercised in the form of orders. Under this authority, the council holds hearings and is required to make decisions. The most common examples are land use matters and nuisance proceedings. City charters traditionally prescribe specific requirements for adoption of ordinances (legislative) and include no provisions for adoption of orders (quasi-judicial). This model suggests that charters specifically recognize council orders as the proper form for the exercise of quasi-judicial authority. Use of this form for non-legislative decisions helps make clear which council actions are subject to referendum. Oregon Constitution, Article IV, section 1(5) gives voters initiative and referendum powers over “municipal legislation,” but not municipal quasi-judicial decisions.

³⁶ Under section 3.6, the majority of the council membership must be present at the time a decision is made. If there is one or more unfilled council vacancy, the majority is of the temporarily diminished membership. Action by a majority of a quorum (e.g. three votes when quorum of four is present) is sufficient to approve an order under this section. See note 22 above.

³⁷ This sentence anticipates the charter vote at a primary or special election. If the charter vote is at a general election, the words “or is elected at the time of adoption” should be added.

³⁸ Oregon Constitution, Article II, section 14a requires cities to hold their regular elections for officers at the same time as the general biennial elections for state and county officers are held. ORS 254.035 implements this provision. ORS 254.056 states that general elections are held on the first Tuesday after the first Monday in November of even-numbered years. It further states that primary elections may be held on the third Tuesday in May of even-numbered years.

³⁹ This language assumes that adoption of the charter will not affect the council size or terms of office. It does provide a transition from the city government before charter adoption to the city government under the charter.

Section 7.2. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a mayor will be elected for a four-year term.⁴⁰

Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.⁴¹

Section 7.4. Qualifications.

- a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.⁴²
- b) No person may be a candidate at a single election for more than one city office.
- c) Neither the mayor nor a councilor may be employed by the city.⁴³
- d) The council is the final judge of the election and qualifications of its members.

Section 7.5. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.⁴⁴

Section 7.6. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.⁴⁵

Section 7.7. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

⁴⁰ A four-year term for the mayor and four-year staggered terms for an even-number of councilors gives the voters an opportunity to vote for a majority of the council positions at every other general election. It may also be necessary to change “first” to “second” in the first sentence. A mayor elected to a four-year term when this charter provision is adopted would serve until the beginning of the second odd-numbered year after adoption. If the mayor is to have a two-year term, the second sentence of this section needs to be changed. The mayor is appointed from the council by the councilors under the Incorporation Act, ORS 221.130. If this is to continue under the charter, then the second sentence of section 7.2 needs to be replaced by the sentence: “At the first meeting of the council in each odd-numbered year, the council must appoint one of its members to serve as mayor for a term of two years.” If the mayor is appointed from the council, the council should have an odd number of members, and section 3.1 should be changed.

⁴¹ The last sentence of this section makes specific the Oregon tradition that local government elections are nonpartisan. This provision is included in the county model home rule charter and county charters. It is also consistent with the 8th edition of the NCL Model Charter (2011).

⁴² Courts have consistently invalidated residency qualifications of more than 12 months.

⁴³ This prohibition is intended to avoid certain conflicts of interest in city service. It bars full-time or part-time employees from serving as mayor or councilor. It does not, however, prevent the mayor or a councilor from receiving reimbursement of expenses for services.

⁴⁴ This model charter does not prescribe a nominating procedure. It allows flexibility by requiring that an ordinance govern the nominating process.

⁴⁵ These words allow for a successor to be appointed as well as elected, and require that the successor meet the necessary qualifications for the office at the time of election or appointment. Some charters have provisions limiting the number of terms or years that a citizen may serve in an elected office.

Section 7.8. Vacancies. The mayor or a council office becomes vacant:

a) Upon the incumbent's:

- 1) Death;
- 2) Adjudicated incompetence;⁴⁶ or
- 3) Recall from the office.⁴⁷

b) Upon declaration by the council after the incumbent's:

- 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- 2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period;
- 3) Ceasing to reside in the city;⁴⁸
- 4) Ceasing to be a qualified elector under state law;
- 5) Conviction of a misdemeanor or felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 8.1(i).

Section 7.9. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members.⁴⁹ The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absent from the city, a majority of the council may appoint a councilor pro tem.⁵⁰

⁴⁶ "Adjudicated incompetence" means inability or unfitness to manage one's affairs because of mental condition determined in a court proceeding.

⁴⁷ Recall of elective officers is governed by Oregon Constitution, Article II, section 18, and ORS 249.865 to 249.877.

⁴⁸ Section 7.4 requires each member to be a qualified voter and resident of the city. Under subsections (3) and (4) of section 7.8(b), moving outside the city or allowing voter registration to lapse permits the council to declare a council position vacant.

⁴⁹ Normally a single vacancy is filled at one time. This section permits the council to fill multiple vacancies at the same time. Most vacancies are created in positions filled by election. However, this section also applies to appointments to fill vacancies created in positions previously filled by an appointee to the council.

⁵⁰ A member's disability under this section is usually temporary. If the disability is permanent, it often results in the resignation of the disabled member. A permanent disability does not create a vacancy unless the member resigns. However, the council may appoint a pro tem councilor, and the appointment may continue until a successor to the disabled member is elected and takes office.

Section VIII APPOINTIVE OFFICERS

Section 8.1. City Manager.

- a) The office of city manager is established as the administrative head of the city government.⁵¹ The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.⁵²
- b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.⁵³
- c) The manager need not reside in the city.⁵⁴
- d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- e) The manager must:
 - 1) Attend all council meetings unless excused by the mayor or council;
 - 2) Make reports and recommendations to the mayor and council about the needs of the city;
 - 3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;
 - 4) Appoint, supervise and remove city employees;⁵⁵
 - 5) Organize city departments and administrative structure;
 - 6) Prepare and administer the annual city budget;

⁵¹ The city manager exercises the administrative authority delegated by the city charter and the city council. The manager and the council both exercise administrative authority. Only the council may exercise legislative authority.

⁵² This gives the manager a role in policy development consistent with the 8th edition of the NCL Model Charter (2011). It makes the manager responsible for carrying out city policy adopted by council resolution or ordinance.

⁵³ This section adds more specific qualifications for city manager consistent with the 8th edition of the NCL Model Charter (2011).

⁵⁴ If the city wants the charter to require the manager to live in the city, the following may be added: “but must become and remain a resident of the city while manager.” In the alternative, if a residency requirement is desired but is not practicable due to a housing shortage or other condition, the following may be added: “but must live within 30 miles of the city.” Either requirement can be imposed more flexibly by ordinance or contract.

⁵⁵ Note that the manager appoints, supervises and removes city employees. The council appoints, supervises and removes city officers.

- 7) Administer city utilities and property;
 - 8) Encourage and support regional and intergovernmental cooperation;
 - 9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community;⁵⁶
 - 10) Perform other duties as directed by the council; and
 - 11) Delegate duties, but remain responsible for actions of all subordinates.
- f) The manger has no authority over the council or over the judicial functions of the municipal judge.⁵⁷
 - g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
 - h) When the manger is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manger, except that a pro tem manager may appoint or remove employees only with council approval.
 - i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts.⁵⁸ Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.⁵⁹

Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.⁶⁰

⁵⁶ Subsections (8) and (9) of this section add provisions that update the charter by recognizing the increasing importance of regional and intergovernmental issues, and the participatory nature of policy development. They are consistent with the 8th edition of the NCL Model Charter (2011).

⁵⁷ Municipal judges have administrative duties incidental to their judicial functions such as record keeping and accounting for certain funds. These administrative duties may be supervised by the city manager.

⁵⁸ A similar charter restriction was the basis for damages in *Still v. Benton*, 251 Or 463, 445 P2d 492 (1968). The court found that the mayor did not act within the scope of his authority in pressuring the manager to discharge the police chief. The chief was awarded punitive as well as general damages.

⁵⁹ This does not affect the ability of a council member to obtain information from the manager or other city employees. Council members also have at least as much right to public records as other members of the public under the Oregon Public Records Law, ORS 192.410 to 192.505.

⁶⁰ If a city attorney office is established by the charter, it is independent of the wishes of the council or manager. This language places office employees under the supervision of the attorney rather than the manager. The charter could establish the office and provide for appointment by the manager. If not created by charter, the city attorney office may

Section 8.3. Municipal Court and Judge.

- a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.
- b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
- c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.
- d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.⁶¹
- e) The municipal judge may:
 - 1) Render judgments and impose sanctions on persons and property;
 - 2) Order the arrest of anyone accused of an offense against the city;
 - 3) Commit to jail or admit to bail anyone accused of a city offense;
 - 4) Issue and compel obedience to subpoenas;
 - 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
 - 6) Penalize contempt of court;
 - 7) Issue processes necessary to enforce judgments and orders of the court;
 - 8) Issue search warrants; and
 - 9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- f) The council may appoint and may remove municipal judges pro tem.
- g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.⁶²

be created by ordinance. The ordinance may provide for city attorney appointment by the council or manager. Attorney duties may be assigned by ordinance and contract.

⁶¹ ORS 221.339 gives municipal courts jurisdiction over violations and misdemeanors committed or triable in the city. Municipal courts do not have jurisdiction over felonies or designated drug-related misdemeanors as defined in ORS 423.478. The section provides that jurisdiction over misdemeanors may be limited by city ordinance.

⁶² ORS 51.035.

Section IX PERSONNEL

Section 9.1. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.⁶³

Section 9.2. Merit Systems. The council⁶⁴ by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.⁶⁵

Section X PUBLIC IMPROVEMENTS

Section 10.1. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement.⁶⁶ A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Section XI MISCELLANEOUS PROVISIONS

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law.⁶⁷ A charter amendment is not required to authorize city indebtedness.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.⁶⁸

Section 11.4. Severability. The terms of this charter are severable. If any provision is held invalid

⁶³ ORS 294.388(5) requires that the budget list the salary for each officer and employee. If councilors are to receive no compensation for their services to the city, the following may be added to this section: "However, no councilor may receive compensation for serving in that capacity." This prohibition does not prevent reimbursement for expenses.

⁶⁴ If there is a city manager, the manager may be substituted for the council. Rules adopted by the manager may be made subject to council approval. The council may also delegate authority to the city manager or city administrator to adopt rules.

⁶⁵ "Merit and fitness" allows wide discretion in the interpretation and application of personnel rules and practices.

⁶⁶ Few procedures applicable to cities appear in state statute. ORS 223.387 to 223.401 apply to assessments for local improvements. ORS 223.805 to 223.845 relate to city motor vehicle parking facilities. ORS 271.080 to 271.230 apply to vacation of certain public property.

⁶⁷ Bancroft bonds may not "exceed .03 of the latest true cash valuation of the city." ORS 223.295(1).

⁶⁸ It may be necessary to continue unusual charter provisions such as bond approvals, special levies or annexations.

by a court, the invalidity does not affect any other part of the charter.

Section 11.5. Time of Effect. This charter takes effect _____, 20____.

APPENDIX A

GENERAL GRANTS OF POWER

The first version of the Model Charter for Oregon Cities was published in 1947. It was drafted to confer powers on cities in general terms rather than by a detailed enumeration of specific powers. All subsequent revisions have continued this practice.

Since about 1910, a city charter has been viewed as a city constitution. For this reason, city powers have generally been stated in general, comprehensive terms. The charter should deal only with the basic, broad fundamentals of city government. The charter should be as concise as possible, and adaptable to changing conditions to avoid the need for frequent amendment.

Most Oregon cities have charters that grant authority for their activities under general grants of powers. In 1934, Huntington adopted a general powers charter quite similar to the 1947 model charter. Since then, almost all Oregon cities have adopted charters that resemble this model.

The Oregon Incorporation Act (now ORS 224.010-221.100) provides that cities without a home rule charter have comprehensive power and need no grants of specific powers.

A general grant of power allows a city to assume extraterritorial powers granted by statute and conditioned upon the existence of charter authority. ORS 225.020 authorizes a city to own and operate utilities outside city limits if its charter allows it such power. *Kassel v. City of Salem*, 34 Or. App. 739, 579 P.2d 875 (1978) construes this section and states that Salem's charter "accepts this offer [of extramural powers] in broad terms." These broad terms were more specific than the general grant of powers in the model. No city with a general grant has been challenged in its exercise of the power offered by ORS 225.020.

Constitutional Grants in General Terms

The 1906 home rule amendments to the Oregon Constitution empower "the legal voters of every city * * * to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State."^a They also empower "the qualified voters of each municipality" to exercise the powers of initiative and referendum "as to all local, special and municipal legislation of every character in or for their municipality[.]"^b These grants of power are general in terms.

Specific Power Derived from General Grants

Courts have often held that a general grant of power confers a particular power not specified in the grant. Such specific powers include the following:

- 1) To regulate amusement devices.^c

^a Or. Const. art. XI, sec. 2.

^b Or. Const. art. IV, sec. 1a (1906), sec. 1(5) (1968).

^c *Terry v. City of Portland*, 204 Or 478, 269 P2d 544 (1955); 33 Or Op Atty Gen 174 (1967).

- 2) To levy special assessments.^d
- 3) To develop a program of free parking using tax revenues.^e
- 4) To govern labor relations with public employees.^f
- 5) To license certain businesses or occupations.^g
- 6) To levy license taxes for revenue.^h
- 7) To provide police protection.ⁱ
- 8) To control disposal of refuse.^j
- 9) To regulate the storage of gasoline and kerosene.^k
- 10) To control streets.^l
- 11) To levy taxes in the form of licenses.^m
- 12) To adopt taxes on sales and incomes.ⁿ
- 13) To supply water.^o
- 14) To impose registration and license fees.^p
- 15) To impose fees and regulatory requirements on telecommunications providers.^q

^d *Paget v. City of Pendleton*, 219 Or 253 346 P2d 1111 (1959).

^e *Jarvill v. City of Eugene*, 289 Or 157, 613 P2d 1 (1980), US cert den at 449 US 1013 (1980). Although the majority opinion in this case relies on a specific grant of power stemming from a 1973 amendment to the Eugene city charter, this charter has been repealed. At the court of appeals level, the majority opinion relied on the general grant of power in the 1976 revised city charter to explain the city's ability to levy taxes. "In those cases, it was held that a general grant of powers in a city charter, like that contained in the Eugene charter, carries with it the power to impose revenue taxes." 40 Or App 185, 198-99, 594 P2d 1261 (1979).

^f *Beaverton v. International Assoc. of Firefighters*, 20 Or App 293, 531 P2d 730 (1975).

^g *Davidson Baking Co. v. Jenkins*, 216 Or 51, 337 P2d 352 (1959).

^h *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd, 13 Or App 431 (1973).

ⁱ *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^j *Dunn v. Gray*, 238 Or 71, 392 P2d 1018 (1964); *City of Tigard v. Werner*, 15 Or App 335, 515 P2d 934 (1973).

^k Cf. *Leathers v. City of Burns*, 251 Or 206, 444 P2d 1010 (1968).

^l *City of East Portland v. County of Multnomah*, 6 Or 62, 64 (1876).

^m *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd 13 Or App 431 (1973).

ⁿ *City of Idanha v. Consumers Power, Inc.* 8 Or App 551, 495 P2d 294 (1972), aff'd 13 Or App 431 (1973).

^o *Paget v. City of Pendleton*, 219 Or 253, 346 P2d 1111 (1959).

^p *AT & T Communications v. City of Eugene*, 177 Or App 379 (2001), rev den, 334 Or 491 (2002). The court held that a general power charter gave the city power to impose registration and license fees. The court relied on *Multnomah Kennel Club v. Department of Revenue*, 295 Or 279 (1983), a case that involved a general power county home rule charter that provided authority to impose a business income tax.

^q *Sprint Spectrum v. City of Eugene*, 177 Or App 417 (2001), rev den, 334 Or 491 (2002). The court found that home rule authority includes the taxation of businesses that conduct business within city boundaries.

APPENDIX B

PROVISIONS NOT INCLUDED IN THE MODEL CHARTER

This model charter omits many provisions contained in city charters granted by the Oregon Legislature prior to 1906, and charters adopted soon after the 1906 home rule amendments took effect. A general grant of powers replaced specific grants of authority. Subjects and procedures covered by state statutes are generally no longer included in charters. The model charter also omits provisions better left to adoption by ordinance.

Annexation Procedure

An Oregon city may not assume extramural power under its home rule charter unless authorized by state statute.⁸⁶ City power under the home rule amendments is only intramural in character.⁸⁷ A city may only exercise extramural power delegated by the Legislature.⁸⁸ A home rule charter may provide a procedure for the intramural aspects of annexation, such as the manner of acceptance of the annexation by the city. The model charter contains no provision relating to annexation of territory to a city because state statutes control annexation procedures.

Elections

Elections in Oregon are generally under the control of the Secretary of State. The conduct of elections is governed by ORS chapter 254. Many duties relating to the conduct of elections are delegated to county clerks. Time of elections, wording of ballot titles, printing of ballots and fixing of precinct boundaries are examples of matters governed by state law. City initiative and referendum requirements and process are found in ORS Chapter 250. Therefore, the model charter contains no sections relating to elections in general. Sections 7.2 and 7.5 do authorize the council to govern certain election matters by ordinance.

Subjects Covered by State Law

This model charter contains no provisions on several other subjects covered by state law:

Budgeting.....	ORS 294.305 to 294.565
Public contracts.....	ORS Chapters 279A, 279B and 279C
Assessments bonding and lien enforcement...	ORS 223.205 to 223.295 and 223.505 to 223.650
Tort liability.....	ORS 30.260 to 30.300

⁸⁶ *Thurber v. Henderson*, 63 Or 410, 415-16, 128 P 43 (1912); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 19-20, 154 P 399 (1916); *Morsman v. City of Madras*, 203 Or App 546 (2006) (holding that the state has the authority to decide whether residents of an area subject to annexation get to vote on the annexation); and *Costco Wholesale Corp. v. City of Beaverton*, 343 Or 18, 25 (2007) (stating that cities lack “inherent home-rule authority to impose * * * obligations on those outside their borders.”).

⁸⁷ *Kiernan v. City of Portland*, 57 Or 454, 464, 111 P379, 112 P 402 (1910); *State ex rel Mullins v. Port of Astoria*, 79 Or 1, 18-19, 154 P 399 (1916); *Curtis v. Tillamook City*, 88 Or 443, 454-55, 171 P574, 172 P 122 (1918).

⁸⁸ *Couch v. Marvin*, 67 Or 341, 136 P 6 (1913); *McBee v. Town of Springfield*, 58 Pr 459, 114 P 637 (1911); *Landess v. City Cottage Grove*, 64 Or 155, 129 P 537 (1913).

Debt limitations.....	ORS 223.295
Ethics.....	ORS Chapter 244
Public meetings and records.....	ORS 192.410 to 192.710
Land use planning and regulation.....	ORS Chapters 92, 197, 197A and 227
Street vacation.....	ORS 271.080 to 271.230
Condemnation.....	ORS Chapter 35; 223.005 to 223.105, 226.310 to 226.380 and 227.300.
Collective bargaining.....	ORS 243.650 to 243.782
Public Employee's Retirement System.....	ORS Chapter 238 and 238A

Other Subjects

The model charter contains no provisions on a number of other subjects that may be covered as well or better by ordinance. Such subjects include council rules, personnel rules, procedures for local improvements, levying and collecting special assessments and city commissions and committees.

Municipal Judge as Ex Officio Justice of the Peace

Some Oregon charters enacted as special legislative acts prior to 1906 provide that the municipal judge has the jurisdiction and authority of an ex officio justice of the peace. This model charter contains no such provision. A home rule charter may not grant such authority to a municipal judge; such authority may only be granted by state statute.

The decision in *In re Application of Boalt*⁸⁹ suggests that once a municipal judge is given the jurisdiction and authority of an ex officio justice of the peace by a special legislative act, it continues regardless of a subsequent home rule charter. It may be withdrawn by the Legislature. A city in this situation may retain its charter provisions conferring jurisdiction and authority of an ex officio justice of the peace on its municipal judge by enacting its new charter as an amendment to its former legislative charter. A municipal judge may continue to exercise this authority under this Supreme Court decision.

⁸⁹ 123 Or 1, 260 P 1004 (1927).

NEWPORT CHARTER

This Charter is adopted by the voters of the City of Newport, Oregon, in the exercise of their power to the fullest extent possible under the Oregon Constitution and laws of the state.

Chapter I NAMES AND BOUNDARIES

Section 1. Title. This charter may be referred to as the Newport Charter.

Section 2. Name. The City of Newport, Oregon, continues as a municipal corporation with the name City of Newport.

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Chapter II POWERS

Section 4. Powers. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to municipal legislation to city voters. This charter vests all other powers in the city council except as the charter otherwise provides. The council has legislative, administrative and quasi judicial authority. The council generally exercises legislative authority by ordinance, administrative authority by resolution or motion, and quasi-judicial authority by order if not required to do so by ordinance or resolution. The council may not delegate its authority to adopt ordinances, but may delegate any other authority.

Chapter III COUNCIL

Section 7. Council. The council consists of a mayor and six councilors nominated and elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto

authority. The mayor shall appoint committees and boards as provided by code, ordinance or council rules. The mayor shall sign all records of council decisions. The mayor acts as the representative of the city at all ceremonial events, but may delegate this responsibility. In the event that there is a vacancy in the office of mayor or the mayor is unable to or refuses to take any act required by this charter, the president of the council shall take the required action.

Section 9. Council President. At its first meeting each year, the council shall elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council may by resolution adopt rules to govern its meetings and those of other city entities.

Section 11. Meetings. The council shall meet at least once a month at a time and place designated by the council, and may meet at other times.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. Except when this charter requires approval of a majority of the entire council, a majority of the council members voting is necessary for any council decision. In the event of a major emergency such as a natural disaster that limits the ability of council members to meet, the council may act by a majority of those who are able to participate in a meeting in person or by electronic or other means. Any such emergency action shall be reviewed at the first opportunity to have a quorum consider the action.

Section 14. Record. A record of council meetings shall be kept by the city recorder.

Chapter IV LEGISLATIVE AUTHORITY

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Newport ordains as follows:".

Section 16. Ordinance Adoption. Drafts of ordinances shall be available at any council meeting when the ordinance is to be considered. Ordinances shall be adopted only after an initial vote of the council, followed by a reading of the ordinance by title only, and a final roll call vote. At the request of any council member, the roll call vote shall be at a separate council meeting. Any amendments from the printed version circulated at the council meeting shall be read in full at the time of the reading of the ordinance by title, unless the council by unanimous vote waives reading of the amendments.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the

30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

Chapter V ADMINISTRATIVE AUTHORITY

Section 18. Resolutions. The council will normally exercise its administrative authority by resolution or motion. The approving clause for resolutions may state "The City of Newport resolves as follows:".

Section 19. Approval of Resolutions and Motions.

(a) Approval of a resolution or motion shall be by a majority of those voting when a quorum is present.

(b) The vote of each member on any resolution or motion shall be entered into the council minutes.

(c) Resolutions shall be signed by the mayor and witnessed and dated by the city recorder.

Section 20. Effective Date of Administrative Decisions. Administrative decisions take effect on the date of approval, or on a later date provided in the decision.

Chapter VI QUASI-JUDICIAL AUTHORITY

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders when an ordinance or resolution is not required. The approving clause for orders may state "The City of Newport orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision shall be by a majority of those voting when a quorum is present.

(b) The vote of each member on any order or other quasi-judicial decision shall be entered in the council minutes.

(d) Orders and other written quasi-judicial decisions shall be signed by the mayor and witnessed and dated by the city recorder.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later date provided in the order.

Chapter VII ELECTIONS

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four-year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every general election after the adoption, a mayor will be elected for a two-year term.

Section 26. Procedure. City elections shall be conducted in accordance with state law, but the city may adopt election ordinances as allowed by state law.

Section 27. Nonpartisan Elections. All elections for city offices shall be nonpartisan.

Section 28. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.

(d) The council is the final judge of the qualifications of its members, subject to judicial review.

Section 29. Nominations and Elections. The council may adopt an ordinance prescribing the manner for a person to be nominated to or file a declaration of candidacy to run for mayor or a city councilor position. In the absence of an ordinance, a person may become a candidate by filing a declaration of candidacy by the deadline established by state law for the general election. The person receiving the greatest number of votes in the mayoral election at the general election shall be elected mayor. For councilor positions, the ballot shall include a single list of candidates, and electors may vote for up to three candidates. The three persons receiving the greatest number of votes shall be elected as councilors.

Section 30. Terms. The term of the mayor and each councilor elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 31. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon and the charter and ordinances of the city.

Section 32. Vacancies. The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

- (1) Death,
- (2) Adjudicated incompetence,
- (3) Recall from the office or
- (4) Resignation from office.

(b) Upon a determination by the council after a hearing, of the incumbent's:

- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
- (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period,
- (3) Ceasing to reside in the city,
- (4) Ceasing to be a qualified elector under state law,
- (5) Inability to function as a council member for the remainder of the member's term.

(c) Upon a discretionary decision by the council after a hearing to declare a vacancy based on:

- (1) Conviction of a public offense punishable by loss of liberty, or
- (2) Violation of Section 34(i).

Section 33. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a council member is unable to participate in council meetings or a member is absent from the city, a majority of the entire council may appoint a council member pro tem.

Chapter VIII APPOINTIVE OFFICERS

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the council for the proper administration of all city business. The city manager will assist the council in the development of city policies, and carry out policies established by ordinances and resolutions.

(b) A majority of the entire council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the entire council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(d) The manager shall

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city property and utilities;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community
- (10) Perform other duties as directed by the council.

(e) The manager may delegate any of the manager's duties or responsibilities other than the duty to attend a council meeting.

(f) The manager has no authority over the council or over the judicial functions of the municipal judge. The manager shall cooperate with the auditor appointed by the council and shall respect the independent status of the auditor.

(g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager, or designee if the manager has been excused, may take part in all council discussions.

(h) When the manager is temporarily unable to act as manager or when the office of manager becomes vacant, the council shall appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove management employees only with council approval.

(i) No council member may directly or indirectly as an individual attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 35. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the entire council shall appoint and may remove the attorney.

Section 36. Municipal Court and Judge.

(a) A majority of the entire council shall appoint and remove a municipal judge while the city maintains a municipal court. A municipal judge will hold court in the city at such place as the council directs.

(b) All areas within the city and areas outside the city as permitted by state law are within the jurisdiction of the court.

(c) The municipal court has jurisdiction over every violation of a city ordinance. The court may impose penalties for violations of city ordinances. The court also has jurisdiction over violations of state statutes to the extent allowed under state law unless limited by the city council, but the municipal judge may decline to exercise jurisdiction over categories of cases.

(d) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Issue and compel obedience to subpoenas;
- (3) Compel witnesses to appear and testify before the court;
- (4) Penalize contempt of court;
- (5) Issue processes necessary to enforce judgments and orders of the court;
- (6) Issue search warrants and other warrants;
- (7) Perform other judicial and quasi-judicial functions assigned by ordinance; and
- (8) Appoint pro tem municipal judges if the municipal judge will be unavailable.

(e) The council may appoint and may remove municipal judges pro tem.

(f) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter IX PUBLIC IMPROVEMENTS

Section 37. Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement to be financed by a local improvement district may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 38. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

Chapter X MISCELLANEOUS PROVISIONS

Section 39. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 40. Ordinance Continuation. All ordinances and other enactments consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 41. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 42. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 43. Time of Effect. This charter takes effect January 1, 2008.

Resources and Preparation Practices for September 10th Work Session

Practice PRES Statements

PRES statements are a communication technique to make meetings more effective and efficient. It's a structure that helps members communicate clearly and concisely thereby minimizing extraneous conversation and distraction in meetings. The elements of a PRES statement are as follows:

P = Point. State your point

R = Reason. Express your reasons (beliefs & values) that support your point.

E = Examples. Share a specific example or two that support your point. Can be statistical info, anecdotes, circumstances, feedback, etc.

S = Summarize. Summarize your point for clarity, emphasis and completeness.

Goal – See if you can express your full PRES statement in 45 seconds or less.

Practice 1

Once each day, in your normal everyday conversations with people, make your point using the PRES format just to get familiar and comfortable with the format. This way, we can utilize it in our work session on the 9/10 to more effectively and efficiently work through the agenda. It may feel awkward at first, but like any skill or technique you will likely feel more natural and comfortable with it with practice.

Practice 2

Read the article below on the Seven C's of Clear Communication. Do a self-assessment on your own communication style and note which of the seven you feel like you do well, and which ones you feel like you need improvement. For example, you might naturally be very concrete and correct in your expressions but lack courtesy (harsh, no tact). You might be very complete in your expressions but lack coherence (rambling, looping).

For the work session on the 9/10, use this as an opportunity to work on your communication style in those areas where you would like to improve.

Seven C's of Clear Communication

A Checklist for Clear Communication

Think of how often you communicate with people during your day.

You write emails, facilitate meetings, participate in conference calls, create reports, devise presentations, debate with your colleagues... the list goes on.

We can spend almost our entire day communicating. So, how can we provide a huge boost to our productivity? We can make sure that we communicate in the clearest, most effective way possible.

This is why the 7 Cs of Communication are helpful. The 7 Cs provide a checklist for making sure that your meetings, emails, conference calls, reports and presentations are well constructed and clear – so your audience gets your message.

According to the 7 Cs, communication needs to be:

1. Clear.
2. Concise.
3. Concrete.
4. Correct.
5. Coherent.
6. Complete.
7. Courteous.

In this article, we look at each of the 7 Cs of Communication, and we'll illustrate each element with both good and bad examples.

1. Clear

When writing or speaking to someone, be clear about your goal or message. What is your purpose in communicating with this person? If you're not sure, then your audience won't be sure either.

To be clear, try to minimize the number of ideas in each sentence. Make sure that it's easy for your reader to understand your meaning. People shouldn't have to "read between the lines" and make assumptions on their own to understand what you're trying to say.

Bad Example

Hi John,

I wanted to write you a quick note about Daniel, who's working in your department. He's a great asset, and I'd like to talk to you more about him when you have time.

Best,

What is this email about? Well, we're not sure. First, if there are multiple Daniels in John's department, John won't know who Skip is talking about.

Next, what is Daniel doing, specifically, that's so great? We don't know that either. It's so vague that John will definitely have to write back for more information.

Last, what is the purpose of this email? Does Skip simply want to have an idle chat about Daniel, or is there some more specific goal here? There's no sense of purpose to this message, so it's a bit confusing.

Good Example

Hi John,

I wanted to write you a quick note about Daniel Kedar, who's working in your department. In recent weeks, he's helped the IT department through several pressing deadlines on his own time.

We've got a tough upgrade project due to run over the next three months, and his knowledge and skills would prove invaluable. Could we please have his help with this work?

I'd appreciate speaking with you about this. When is it best to call you to discuss this further?

Best wishes,

This second message is much clearer, because the reader has the information he needs to take action.

2. Concise

When you're concise in your communication, you stick to the point and keep it brief. Your audience doesn't want to read six sentences when you could communicate your message in three.

- Are there any adjectives or "filler words" that you can delete? You can often eliminate words like "for instance," "you see," "definitely," "kind of," "literally," "basically," or "I mean."
- Are there any unnecessary sentences?
- Have you repeated the point several times, in different ways?

Bad Example

Hi Matt,

I wanted to touch base with you about the email marketing campaign we kind of sketched out last Thursday. I really think that our target market is definitely going to want to see the company's philanthropic efforts. I think that could make a big impact, and it would stay in their minds longer than a sales pitch.

For instance, if we talk about the company's efforts to become sustainable, as well as the charity work we're doing in local schools, then the people that we want to attract are going to remember our message longer. The impact will just be greater.

What do you think?

Jessica

This email is too long! There's repetition, and there's plenty of "filler" taking up space.

Good Example

Watch what happens when we're concise and take out the filler words:

Hi Matt,

I wanted to quickly discuss the email marketing campaign that we analyzed last Thursday. Our target market will want to know about the company's philanthropic efforts, especially our goals to become sustainable and help local schools.

This would make a far greater impact, and it would stay in their minds longer than a traditional sales pitch.

What do you think?

Jessica

3. Concrete

When your message is concrete, then your audience has a clear picture of what you're telling them. There are details (but not too many!) and vivid facts, and there's laser-like focus. Your message is solid.

Bad Example

Consider this advertising copy:

The Lunchbox Wizard will save you time every day.

A statement like this probably won't sell many of these products. There's no passion, no vivid detail, nothing that creates emotion, and nothing that tells people in the audience why they should care. This message isn't concrete enough to make a difference.

Good Example

How much time do you spend every day packing your kids' lunches? No more! Just take a complete Lunchbox Wizard from your refrigerator each day to give your kids a healthy lunch **and** have more time to play or read with them!

This copy is better because there are vivid images. The audience can picture spending quality time with their kids – and what parent could argue with that? And mentioning that the product is stored in the refrigerator explains how the idea is practical. The message has come alive through these details.

4. Correct

When your communication is correct, it fits your audience. And correct communication is also error-free communication.

- Do the technical terms you use fit your audience's level of education or knowledge?
- Have you checked your writing for grammatical errors? Remember, spell checkers won't catch everything.
- Are all names and titles spelled correctly?

Bad Example

Hi Daniel,

Thanks so much for meeting me at lunch today! I enjoyed our conversation, and I'm looking forward to moving ahead on our project. I'm sure that the two-week deadline won't be an issue.

Thanks again, and I'll speak to you soon!

Best,

Jack Miller

If you read that example fast, then you might not have caught any errors. But on closer inspection, you'll find two. Can you see them?

The first error is that the writer accidentally typed conservation instead of conversation. This common error can happen when you're typing too fast. The other error is using weak instead of week.

Again, spell checkers won't catch word errors like this, which is why it's so important to proofread everything!

5. Coherent

When your communication is coherent, it's logical. All points are connected and relevant to the main topic, and the tone and flow of the text is consistent.

Bad Example

Traci,

I wanted to write you a quick note about the report you finished last week. I gave it to Michelle to proof, and she wanted to make sure you knew about the department meeting we're having this Friday. We'll be creating an outline for the new employee handbook.

Thanks,

Michelle

As you can see, this email doesn't communicate its point very well. Where is Michelle's feedback on Traci's report? She started to mention it, but then she changed the topic to Friday's meeting.

Good Example

Hi Traci,

I wanted to write you a quick note about the report you finished last week. I gave it to Michelle to proof, and she let me know that there are a few changes that you'll need to make. She'll email you her detailed comments later this afternoon.

Thanks,

Michelle

Notice that in the good example, Michelle does not mention Friday's meeting. This is because the meeting reminder should be an entirely separate email. This way, Traci can delete the report feedback email after she makes her changes, but save the email about the meeting as her reminder to attend. Each email has only one main topic.

6. Complete

In a complete message, the audience has everything they need to be informed and, if applicable, take action.

- Does your message include a "call to action," so that your audience clearly knows what you want them to do?
- Have you included all relevant information – contact names, dates, times, locations, and so on?

Bad Example

Hi everyone,

I just wanted to send you all a reminder about the meeting we're having tomorrow!

See you then,

Chris

This message is not complete, for obvious reasons. What meeting? When is it? Where? Chris has left his team without the necessary information.

Good Example

Hi everyone,

I just wanted to remind you about tomorrow's meeting on the new telecommuting policies. The meeting will be at 10:00 a.m. in the second-level conference room. Please let me know if you can't attend.

See you then,

Chris

7. Courteous

Courteous communication is friendly, open, and honest. There are no hidden insults or passive-aggressive tones. You keep your reader's viewpoint in mind, and you're empathetic to their needs.

Bad Example

Jeff,

I wanted to let you know that I don't appreciate how your team always monopolizes the discussion at our weekly meetings. I have a lot of projects, and I really need time to get my team's progress discussed as well. So far, thanks to your department, I haven't been able to do that. Can you make sure they make time for me and my team next week?

Thanks,

Well, that's hardly courteous! Messages like this can potentially start office-wide fights. And this email does nothing but create bad feelings, and lower productivity and morale. A little bit of courtesy, even in difficult situations, can go a long way.

Good Example

Hi Jeff,

I wanted to write you a quick note to ask a favor. During our weekly meetings, your team does an excellent job of highlighting their progress. But this uses some of the time available for my team to highlight theirs. I'd really appreciate it if you could give my team a little extra time each week to fully cover their progress reports.

Thanks so much, and please let me know if there's anything I can do for you!

Best,

What a difference! This email is courteous and friendly, and it has little chance of spreading bad feelings around the office.

Note:

There are a few variations of the 7 Cs of Communication:

- **Credible** – Does your message improve or highlight your credibility? This is especially important when communicating with an audience that doesn't know much about you.
- **Creative** – Does your message communicate creatively? Creative communication helps keep your audience engaged.

Key Points

All of us communicate every day. The better we communicate, the more credibility we'll have with our clients, our boss, and our colleagues.

Use the 7 Cs of Communication as a checklist for all of your communication. By doing this, you'll stay clear, concise, concrete, correct, coherent, complete, and courteous.