

TIGARD MUNICIPAL CODE

Chapter 2.04 CITY MANAGER.

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2.04.010 Office Established.

Pursuant to Chapter III of the Charter of the City of Tigard, there is established the office of city manager of the City of Tigard, Oregon. (Ord. 03-08; Ord. 65-29 §1).

2.04.020 Appointment and Removal.

The office of city manager shall be filled by appointment by the mayor with the consent of the City Council. The city manager shall be the chief administrative officer of the city, and as such shall be chosen solely on the basis of administrative qualifications and experience, without regard to political considerations. Appointment and removal of the city manager by the mayor shall require the prior consent of a majority of the full council recorded at a public meeting. The city manager shall serve at the pleasure of the mayor and the City Council, and cause shall not be required for termination. (Ord. 03-08; Ord. 86-11 §1; Ord. 84-06 §1; Ord. 65-29 §2).

2.04.030 Salary.

The compensation for the services of the city manager shall be an amount fixed by action of the City Council by resolution. (Ord. 03-08; Ord. 65-29 §3).

2.04.040 Duties.

The city manager shall:

A. Exercise control and supervision of all activities, departments and offices of city government, except the office of municipal judge and the office of city attorney, and shall interview, select and recommend to the mayor and council all applicants proposed for appointment to city offices, and make recommendations to the mayor and council concerning the replacement of any city appointive officer, other than the mayor and councilmembers, and shall have authority to appoint to and remove from established positions, subordinate employees of the city; provided, however, that department heads shall be appointed and removed after consultation with the mayor and council; and cause shall not be required for termination of department heads.

B. Be the chief budget and fiscal officer of the city and shall perform the functions of budget officer as prescribed by the Local Budget Law of Oregon (Chapter 294 ORS).

C. Supervise the administration, and be responsible for the enforcement of all laws and ordinances in effect within the city; and shall administer and enforce the policies, rules, procedures and resolutions duly adopted by the mayor and council; shall make such recommendations to the mayor and council concerning the affairs of the city as the city manager may deem desirable.

D. Be the chief purchasing and business agent with respect to all departments of the city.

E. Prepare and submit to the mayor and council financial and activity reports with respect to each of the city departments, not less than monthly, and shall prepare and submit to the mayor and council such other reports as may be required or desirable concerning city affairs.

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F. Make available to the public usual and customary information concerning the operations of the city government.

G. Have authority to accept, on behalf of the city, offers of dedication and grants of interest in real property that are consistent with city policy, as shown by one of the following: any expansion or realignment of a public facility for which the city council has approved acquisition of right-of-way or declared necessity to acquire the same; any public facility shown on a city plan adopted and approved by the city council; and any public facility or easement required by the terms of a final land use approval. This delegation to the city manager includes the authority to accept right-of-way, including roads and public ways of whatever kind; road-related easements, including, but not limited to, temporary construction easements, drainage easements, and slope easements; water line easements; sanitary sewer easements; and stormwater easements. This delegation also includes the authority to relinquish easements held by the city which are no longer needed and for which a vacation process is not necessary. The city manager may further delegate this authority.

H. Perform such other and further duties as from time to time may be directed to be performed by resolution or motion of the City Council. (Ord. 18-14 §1; Ord. 03-08; Ord. 86-11 §2; Ord. 85-05 §18; Ord. 81-52 §1; Ord. 72-25 §1; Ord. 65-29 §4).

2.04.050 Administrative Rulemaking— Definition—Purpose.

A. “Administrative rulemaking” means the drafting, adoption, and amendment of administrative rules, pursuant to and consistent with the provisions of this section.

B. The purpose of administrative rulemaking is to ensure that standards and

procedures by which the departments of the City of Tigard operate are made available and accessible to the public in written form, upon direction by council. Administrative rulemaking also establishes a process by which the public can be involved in the process of developing department standards and procedures through engaging in public comment.

C. “Administrative rule” means a written directive, standard, regulation or statement of general applicability that is established through administrative rulemaking and implements, interprets or prescribes law, or describes the procedure or practice requirements of any city department. (Ord. 11-06 §1)

2.04.060 Administrative Rulemaking— Authority.

A. The Tigard City Council hereby authorizes, and establishes the process for, administrative rulemaking consistent with this section.

B. Administrative rules adopted pursuant to the administrative rulemaking procedures in this section have the full weight and effect of law.

C. This section provides the authority and process applicable to administrative rulemaking by the city manager, but does not directly enable to the city manager to engage in administrative rulemaking. Authority to engage in administrative rulemaking pursuant to the procedures in this section shall be enabled by separate provision of the Tigard Municipal Code.

D. The scope of administrative rulemaking shall be limited by the terms of the enabling provision.

E. All administrative rules shall be consistent with the Tigard Municipal Code. (Ord. 11-06 §1)

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2.04.070 Administrative Rulemaking— Procedure.

A. Prior to the adoption or amendment of an administrative rule, the city manager or designee will follow the provisions as described in this section.

1. Fourteen days prior to initiating the public notice described in subsection A.2 of this section, notification shall be made to council of the proposed administrative rule or amendment. At any time following council notification, any councilmember may put the subject on the discussion agenda for the next available council meeting for council consideration or action. Public notice as described in subsection A.2 may be initiated 14 days after council notification if no councilmember requests council consideration or action. If the council considers or takes action on the item, provision of public notice as described in subsection A.2 shall be at the direction of council.

2. Publish a notice in a newspaper of general circulation in the city. The notice must be published not less than 14 days before the deadline for receipt of comments.

3. The notice shall provide a brief description of the subject(s) covered by the proposed administrative rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.

4. The city manager or designee will receive written comments regarding the proposed administrative rule. The city manager or designee will take into consideration the written comments received and may either approve, modify or reject the proposed administrative rule.

5. If a substantial modification is made to the proposed administrative rule, the city

manager or designee may approve the modification, or provide additional public comments prior to approval.

6. Unless otherwise stated, all administrative rules will be effective on the 14th day after approval by the city manager or designee unless a written protest is received by the city manager or designee.

7. If written protest of the proposed administrative rule is received by the city manager or designee on or before the 14th day after approval, the city manager or designee shall refer the administrative rule to the City Council for a public hearing. The council may direct the city manager to approve, modify or reject the administrative rule. The council's decision on the contents of the proposed administrative rule shall be binding on the city manager.

B. All administrative rules must be filed in the office of the city recorder. (Ord. 11-06 §1) ■