



Staff Report

Agenda Item: TOWN MANAGER REVIEW - Discussion of the review process for the Town Manager Contract.

Staff Contact: Gayle Mabery, Town Manager

Meeting Date: October 23, 2007

Background: The Office of the Town Manager is appointed by the Council and holds office at the pleasure of the Council. The Town Managers Qualifications, Powers and Duties are set forth in Town Code Section 3-2-1.

Every two years the Town Managers contract is reviewed by Council and an evaluation process is conducted in Executive Session. The Town Manager may request that the evaluation be conducted in open meeting per state statutes.

Although there has never been a set schedule for the Town Manager's evaluations, it is ideal if we can conduct an evaluation annually. The Town Managers' last formal evaluation was conducted in October, 2005. Since it is typically useful to try to tie the goals set during Strategic Planning to the Town Manager's evaluation, for the past several evaluations, we've tried to schedule an evaluation either right before or right after our annual Strategic Planning Session. We anticipate a Strategic Planning Session with the Council in December this year.

October 23, 2007

Preliminary Meeting with Council to review the evaluation procedures, evaluate the criteria and set timetables for completion of the process.

October 30, 2007

Manager's Self-Evaluation due to Council

November 13, 2007

Evaluation with Council in Executive Session, 5:00 PM in the Public Works/Utilities Building Conference Room

The Town Managers' contract can be amended at a future Council Meeting, after the completion of the evaluation process.

Recommendation: This is a discussion of the review process only; no action by Council is required.

Section 3-1-1 Officers (1)

- A. There are hereby created the offices of Town Manager, Town Engineer and Town Attorney who shall be appointed by the Council and who shall serve at the pleasure of the Council.

Section 3-2-1 Town Manager (2)

- A. Creation of Office: The office of Town Manager is hereby established. The Town Manager shall be appointed by the Council, and he shall hold office during the pleasure of the Council.

- (1) *Section 9-239, A.R.S.*
(2) *Section 9-303, A.R.S.*

- B. Qualifications: The Town Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in or his/her knowledge of accepted practice in respect to the duties of his/her office as hereinafter set forth. Residence in the Town at the time of appointment shall not be required as a condition of appointment, but within ninety days after reporting for work, the Town Manager must become a resident of the Town, unless residency is specifically exempted through an employment contract.

No Council member shall be appointed Town Manager during the term for which he/she shall have been elected, nor within one year after expiration of his/her term.

- C. Powers and Duties: The Town Manager shall be the head of the administrative branch of the Town government. Under specific direction and control of the Council, he shall be responsible to the Council for the proper administration of the affairs of the Town. In addition to his general powers as head of the administrative branch of the Town government, and not as a limitation thereon, the Town Manager shall have the powers and duties set forth below:

1. Devote his time to the discharge of his official duties, and attend all meetings of the Council unless excused therefrom by the Council or the Mayor.
2. See that all ordinances are enforced, and that the provisions of all franchises, leases, contracts, permits and privileges granted by the Town are observed.

3. To supervise and give directions to all heads of departments, subordinate officers and employees of the Town except elected or judicial officers and their respective staffs. In the event the Town Manager shall also serve as a department head of a particular department of the Town, then the Town Manager shall not supervise that department head and said supervision shall be the responsibility of the Council.
 4. Appoint and, when deemed necessary for the good of the Town, lay-off, suspend, transfer, demote or remove department heads and employees of the Town.
 5. Recommend to the Council for adoption such measures and ordinances as he deems beneficial to the Town.
 6. To keep the Council at all times fully advised to the financial conditions and needs of the Town.
 7. To prepare and submit to the Council the annual tentative budget.
 8. To purchase or cause to be purchased all supplies and equipment and to make arrangements for contractual services for all of the departments or divisions of the Town.
 9. To make investigation into the affairs of the Town, and any department or division thereof, and any contract or the proper performance of any obligations of the Town.
 10. To investigate all complaints in relation to matters concerning the administration of the Town government and in regard to the service maintained by public utilities in the Town.
 11. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the Council.
 12. Performs such other duties as may be delegated to him from time to time by the Council.
- D. Orders and Directions: The Council shall deal with the administrative services of the Town through the Town Manager, except for the purpose of inquiry, and neither the Council nor any members thereof shall give orders to any subordinates of the Town Manager. It shall be the responsibility of the Council and its members to aid and assist in an advisory capacity any department head, but such assistance shall not conflict with the administrative duties of the Town Manager.

- E. **Policy Making:** The Town Manager shall not exercise any legislative function, nor shall he engage in policy making. The Town Manager shall implement policy made by the Council
- F. **Public Relations:** In the discharge of his duties as Town Manager, the person holding such position shall endeavor at all times to exercise the highest degree of tact, patience and courtesy in his contacts with all Town boards, departments and employees and shall use his best efforts to establish and maintain a harmonious relationship between all personnel employed in the government of the Town to the end that the highest possible standards of public service shall be continuously maintained.
- G. **Removal:** In case of his/her removal by the Council, the Town Manager shall be furnished with a written notice stating the Council's intention to remove him and the reasons therefore at least thirty days before the effective date of his removal. Within seven days after delivery to him of such notice, the Town Manager may, by written notification to the Council, request a public hearing, which shall be held at the usual place of meeting before the expiration of said thirty day period, and at which time the Town Manager shall appear and be heard. After furnishing the Town Manager with written notice of intention to remove, the Council may suspend him from duty, but his salary shall continue until his removal by resolution of the Council passed after the public hearing. The Council may remove the Town Manager, in the exercise of its discretion, with or without cause. The purpose of the hearing is to allow the Town Manager publicly to present to the Council his grounds of opposition to removal.
- H. **Resignation:** The Town Manager shall give at least a thirty day written notice of his intention to resign before leaving his office. Failure on part of the Town Manager to give said written notice shall relieve the Town of any responsibility of paying any salary to the Town Manager for the thirty day period immediately preceding his resignation.
- I. **Acting Town Manager:** In the event of the Town Manager's absence or disability, the Council may appoint an acting Town Manager.

**Town Manager
Performance Evaluation Procedure
Town of Clarkdale**

Performance Evaluation: - A structured, formal interaction between the Manager and the Elected Officials for the purpose of reviewing the Manager's performance, strengths and weaknesses, and for the development of future goals and objectives.

Purposes of Evaluation:

Clarify the role and responsibilities of the Town Manager.

Strengthen the relationship between the Council and the Town Manager.

Give the Manager feedback on their performance and identify areas where improvements are needed.

Establish performance objectives for the Manager, which likely are tied to goals set at annual Strategic Planning Session.

Provide a basis for compensation decisions.

Recognize and reward good performance.

Frequency: In keeping with the purposes for the evaluation, the Council should evaluate the Manager at least annually. The schedule for the evaluation will be established jointly by the Council and the Manager.

Who Is Involved: All members of the Council and the Town Manager should participate in the evaluation process.

Evaluation Procedure: The evaluation procedure will include the following steps:

1. A preliminary meeting will be held annually including the Council and the Town Manager, to review evaluation procedures, evaluation criteria and set timetables for completion of the evaluation process.
2. Following the preliminary meeting, the Manager shall complete a self-assessment and distribute it to the Council no later than two weeks prior to the scheduled evaluation.
3. The Council shall complete the Town Manager Evaluation Form in advance of the scheduled evaluation.
4. The evaluation session will be conducted, and will include all Council Members and the Town Manager. Based on the results of the evaluation, a report will be compiled that includes: 1) the Manager's self-evaluation (completed by the Manager); 2) a copy of each Council Member's evaluation of the Manager (completed individually by each Council Member); 3) a list of goals for the upcoming year that the Council collectively agrees are the top priorities for the Manager to focus on (completed by the Manager and affirmed by the Council as a result of the evaluation process); and 4) the Council's collective identification of improvements the Manager needs to make in the upcoming year (completed by the Mayor as a result of the evaluation process). The written report will be included in the Manager's personnel file.

Memo

To: Mayor and Town Council Members
From: Gayle Mabery, Town Manager
Date: October 17, 2007
Re: Manager's Annual Evaluation

Mayor Von Gausig has asked me to begin the process of scheduling my Evaluation with the Town Council. I have attached the forms that are used as part of the Town Manager's evaluation, as follows:

- Performance Evaluation Procedure
- Manager's Self-Evaluation Form (blank)
- Performance Evaluation Form (for use by Mayor and Council Members)
- Copy of my 2005 Evaluation from the Town Council
- Copy of my current Employment Contract

Although there has never been a set schedule for my evaluations, it is ideal if we can conduct an evaluation annually. My last formal evaluation was conducted in October, 2005. Since it is typically useful to try to tie the goals set during Strategic Planning to the Manager's evaluation, for the past several evaluations, we've tried to schedule an evaluation either right before or right after our annual Strategic Planning Session. We anticipate a Strategic Planning Session with the Council in December this year.

As called out in the Evaluation Procedure, we should schedule a preliminary meeting with the entire Council to review the evaluation procedures, evaluate the criteria and set timetables for completion of the evaluation process.

Since I will be at the annual ICMA Conference during the October 9th Regular Council meeting, my suggestion for a timeline is as follows:

October 23, 2007	Preliminary Meeting with Council to review the evaluation procedures, evaluate the criteria and set timetables for completion of the process.
October 30, 2007	Manager's Self-Evaluation due to Council
November 13, 2007	Evaluation with Council in Executive Session