

**Issue: Subordinate Personnel**

City	Does the Council have any authority over subordinate, civil service personnel?
<u>Oklahoma City, OK</u>	<b>No.</b> "Neither the Mayor, the Council, nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the City Manager or by any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiring, the Mayor, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Mayor, the Council, nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately. Any of the above officials violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to hold office."
<u>San Jose, CA</u>	<b>No.</b> "Neither the Council nor any of its members nor the Mayor shall interfere with the execution by the City Manager of his or her powers and duties, nor in any manner dictate the appointment or removal of any City officers or employees whom the City Manager is empowered to appoint except as expressly provided in Section 411.1. However, the Council may express its views and fully and freely discuss with the City Manager anything pertaining to the appointment and removal of such officers and employees. Except for the purpose of inquiries and investigations under Section 416, the Council, its members and the Mayor shall deal with City officers and employees who are subject to the direction and supervision of the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, solely through the City Manager, City Attorney, City Auditor, Independent Police Auditor or City Clerk, respectively, and neither the Council nor its members nor the Mayor shall give orders to any subordinate officer or employee, either publicly or privately."
<u>Arlington, TX</u>	<b>No.</b> "The governing body and each of its members shall hold the City Manager responsible for the proper administration of all affairs of the City, but neither the governing body nor any board of Commission created by it, nor any members thereof, shall dictate the appointment of any person to or his removal from office or employment with the City, or in any manner interfere in the appointment of officers and employees in the departments of the administrative service vested in the City Manager by this Charter. Except for the purpose of inquiry, the governing body and its members shall deal with the administrative service solely through the City Manager, and neither the governing body nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately."
<u>Austin, TX</u>	<b>No.</b> "Neither the council nor any of its members shall instruct or request the city manager or any of his or her subordinates to appoint to or remove from office or employment any person except with respect to those offices which are to be filled by appointment by the council under the provisions of this Charter. Except for the purpose of inquiry and investigation, the council and its members shall deal with the administrative service of the city solely through the city manager and shall not give orders to any of the manager's subordinates either publicly or privately."
<u>Charlotte, NC</u>	<b>No.</b> "The Council shall hold the City Manager responsible for the proper management of the affairs of the City, and the City Manager shall keep the Council informed of the conditions and needs of the City, and shall make such reports and recommendations as may be requested by the Council or as the City Manager may deem necessary. Neither the Mayor, the Council nor any member thereof shall direct the conduct or activities of any City employee, directly or indirectly, except through the City Manager."
<u>Cincinnati, OH</u>	<b>No.</b> "The city manager shall report to the mayor and the council. Neither the mayor, the council nor any of its committees or members shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service. Except for the purpose of inquiry; the mayor, the council and its members shall deal with that part of the administrative service for which the city manager is responsible, solely through the city manager."
<u>Colorado Springs, CO</u>	<b>No.</b> "Except as otherwise set forth in this Charter, the City Manager shall appoint and suspend or remove any City employee. All appointments shall be upon merit and fitness alone."
<u>Dallas, TX</u>	<b>No.</b> "Neither the council nor any of its committees or members shall dictate or attempt to dictate any person's appointment to, or removal from, office or employment by the city manager or any of the city manager's subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any city council member shall give orders to any of the subordinates of the city manager in those departments, either publicly or privately. This section shall not apply to those professional and administrative assistants provided for in Section 14 of this chapter."
<u>Des Moines, IA</u>	<b>No.</b> (State Law) The City Manager shall "(e)memploy, reclassify, or discharge all employees and fix their compensation, subject to civil service provisions and chapter 35C, except the city clerk, deputy city clerk, and city attorneys."

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<u>El Paso, TX</u>	<b>No.</b> "Except for the purposes of investigations under Section 3.8 and inquiries, the members of the Council shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor any of its members shall give orders to any such employee, either publicly or privately. Neither the Council nor any of its members shall in any manner control or demand the appointment or removal of any City employee whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such employees."
<u>Ft. Worth, TX</u>	<b>No.</b> "Neither the council nor any of its committees or members shall dictate or attempt to dictate the appointment of any person to, or his removal from, office or employment by the city manager or any of his subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service vested in the manager by this Charter. Except for the purpose of inquiry, the council and its members shall deal with that part of the administrative service for which the city manager is responsible solely through such manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager in said departments, either publicly or privately."
<u>Kansas City, MO</u>	<b>No.</b> "Neither the Council, including the Mayor, nor any of its committees or members shall have authority to control the appointment or removal of any person to or from office or employment by the City Manager or any subordinate."
<u>Las Vegas, NV</u>	<b>No.</b> "All departments, offices and agencies, except the City Manager, City Attorney, City Auditor and the Board of Civil Service Trustees, are under the general direction and supervision of the City Manager and must be administered by an officer who is subject to the immediate direction and supervision of the City Manager."
<u>Lawton, OK</u>	<b>No.</b> "Neither the mayor, the council, nor any of its members may direct or request the appointment of any person to, or his removal from, office or employment with the city except the city manager, city clerk, municipal judge, and the city attorney; or, except as provided in this Charter, participate in any manner in the appointment or removal of employees of the city, other than the expression of views and the giving of information to the appointing authority. Except for the purpose of inquiry, the mayor, the council, and its members shall deal with the administrative service solely through the city manager; and neither the mayor, the council, nor any member thereof may give orders on administrative matters to any subordinate of the city manager either publicly or privately."
<u>Little Rock, AR</u>	<b>Yes, potentially.</b> (State law) " <b>To the extent that such authority is vested in (the City Manager) through an ordinance enacted by the board of directors,</b> a city manager may supervise and control all administrative departments, agencies, offices, and employees."
<u>Norman, OK</u>	<b>No.</b> "Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from office by the City Manager or any of his subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the City, except that the Council may direct the manager, by resolution, to investigate charges of misconduct or incompetence against any City employee and to report the result thereof. The City Councilmembers shall deal with the administrative services solely through the City Manager, and neither the Councilmembers nor any of them thereof shall give orders to any subordinate of the City Manager either publicly or privately. Violation of any of the provisions of this section by the Councilmembers or any of them shall constitute grounds for removal."
<u>Plano, TX</u>	<b>No.</b> "Neither the city council nor any of its members shall direct the appointment of any person to office by the city manager or by any of his subordinates. Except for the purpose of inquiry, the city council and its members shall deal with the administrative services solely through the city manager and neither the city council nor any member thereof shall give orders to any subordinate of the city manager, either publicly or privately."

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<u>Sacramento, CA</u>	<p><b>No.</b> “No member of the city council shall directly or indirectly coerce or attempt to coerce the city manager relative to the appointment or removal of any city officer or employee which is made by the city manager, but prior to the making of any appointment or removal of any head or director of any department or division of the city, the city manager shall endeavor to advise the city council of his intention to do so.</p> <p>The city council and its members shall deal solely and directly through the city manager with respect to the part of city government under the direction and supervision of the city manager; provided, that nothing herein shall limit the power of the city council, or members thereof, to do the following:</p> <p>(a) to conduct investigations as provided in Section 34 of this Charter, or</p> <p>(b) to contact officers and employees of the city for the purpose of inquiry or obtaining information that is a public record, or</p> <p>(c) to contact officers and employees designated by the city manager for the purpose of advising said officers and employees or citizen complaints relating to the operation of city government.”</p>
<u>Tucson, AZ</u>	<p><b>No.</b> “Subject to the control of the mayor and council, the manager shall have the general supervision and direction of the administrative operation of the city government; he shall supervise and direct the official conduct of all appointive city officers except the auditor, attorney, treasurer, health officer, clerk and magistrate; he shall supervise the performance of all contracts made by any person for work done for the city, and in that behalf represent the city except as it may be otherwise provided in this Charter; he shall appoint, employ and discharge, from time to time, as occasion requires, all officers, deputies and employees of the city, who elsewhere in this Charter he is authorized to appoint, employ and discharge; he shall appoint all officers of the city, the appointment or election of whom is not otherwise provided for in this Charter, and may remove them when the interests of the city require...”</p>
<u>Wichita, KS</u>	<p><b>Yes, potentially.</b> (ordinance) “The members of the city council and the city manager shall observe scrupulously the relationship and the respective authorities and responsibilities of each as provided by the statutes, city ordinances, council rules or procedure and the ethics of good conduct. Generally speaking, the council shall act as a policy-making body only except as specifically provided otherwise by statute, and the city manager shall act as the administrative head of the city. The council shall delegate to the city manager all administrative duties not specifically required by statute to be performed by the council. No member of the city council shall interfere directly with the conduct of any municipal department <b>except at the express direction of a majority (four) of the council.</b> All instructions or direction to the city manager shall come from the council as a whole after approval of a majority (four) of the council. The city manager shall disregard any other instructions or directions and shall refer them to the council as a whole. Requests for routine information may be made to department heads by individual council members but all requests for lengthy or detailed reports shall be made only to the city manager. No instructions or directions shall be given by individual council members to department heads or to other city employees who shall refer such instructions immediately to the city manager, who, in turn, shall bring such improper actions to the attention of the entire council for such action as may be appropriate in each individual case.”</p> <p>(ordinance) “The city manager shall appoint and remove all heads of departments and all the subordinate officers and employees of the city. All appointments shall be made upon merit and fitness alone.” “The city manager shall be responsible for the discipline of all appointive officers of the city, and may, without notice, cause the affairs of any department or the conduct of any officer or employee to be examined.”</p>
<b>Summary</b>	<b>No: 18      Potentially: 2</b>