

Staff Summary Report



Council Meeting Date: 02/07/08

Agenda Item Number: _____

SUBJECT: This is the introduction and first public hearing to amend Chapter 2, Article II of the Tempe City Code relating to Officers and Employees, by amending Section 2-19 relating to the City Manager. The second public hearing is set for February 21, 2008.

DOCUMENT NAME: 20080207cacc01 **TCC CH 2 – CITY CODE ADMINISTRATION (0503-02)**
Ordinance No. 2008.06

SUPPORTING DOCS: No

COMMENTS: The Ordinance amends Section 2-19 of the Tempe City Code by deleting subsection (b) relating to the authority of the City Manager to enter into severance agreements with employees, which will coincide with a subsequent amendment to the Tempe Personnel Rules and Regulations reflecting the Council's direction on severance agreements from the January 10, 2008 Issue Review Session.

PREPARED BY: Andrew Ching, City Attorney (350-8575)

REVIEWED BY: Charlie Meyer, City Manager (350-8884)

LEGAL REVIEW BY: N/A

FISCAL NOTE:

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2008.06

ADDITIONAL INFO: This Ordinance amends Section 2-19 of the Tempe City Code by deleting subsection (b) relating to the authority of the City Manager to enter into severance agreements with employees. An amendment to the Tempe Personnel Rules and Regulations adding the substance of Section 2-19 along with the limitation that all severance agreements must contain a release and waiver of all claims in favor of the City will be on the February 21, 2008 Council agenda, to coincide the adoption of this Code amendment with the Rules change. This change is warranted because the Tempe City Charter, Section 2.05(b) specifies that the Council shall not in any way dictate the appointment or removal of any city administrative officers whom the manager or any of his subordinate are empowered to appoint. The exception to this is Charter Section 4.02(d), which permits the council to approve the City Personnel Rules, including policies and procedures regulating reduction in force and removal of employees. The negotiation of severance agreements is a part of removal of employees, and thus the appropriate means for the Council's direction from the January 10, 2008 Issue Review Session to be implemented is by deleting the Code provision and placing it in the Personnel Rules.

ORDINANCE NO. 2008.06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, ARTICLE II OF THE TEMPE CITY CODE, RELATING TO OFFICERS AND EMPLOYEES, BY AMENDING SECTION 2-19 RELATING TO THE CITY MANAGER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 2-19 of the Tempe City Code is hereby amended to read as follows:

Sec. 2-19. City manager.

(a) The city manager, PURSUANT AND in addition to the duties and obligations set forth in the city charter, ~~and pursuant to city charter § 4.01(b), the city manager~~ is hereby authorized to establish such working groups and divisions under his direct supervision as he may deem appropriate from time to time. The city manager directly supervises and oversees support staff, divisions and departments which are not otherwise assigned to an assistant city manager.

~~(b) The city manager is hereby authorized to issue an administrative memorandum providing for the payment of severance pay and benefits and is hereby authorized to negotiate and execute severance agreements with city employees so long as the amount of severance pay does not exceed an amount equal to the employee's salary for a six (6) month period. Any negotiated severance pay which exceeds the aforementioned amount shall require approval by the city council.~~

Section 2. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2008.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney