


MEMORANDUM

Date: May 1, 2025

To: St. Helens Mayor and City Council

From: Ashley Wigod, City Attorney 

Re: Revisions to the Governing Policy and SHMC 2.12.030

Purpose: To review proposed revisions to the Governing Policy and SHMC 2.12.030

Background: The City of St. Helens Charter and the St. Helens Municipal Code (SHMC) provide for a Council /Administrator form of government. The Governing Policy that further delegates the City Council and City Administrator's administrative authority under that form of government was adopted by the City Council through Resolution 1838 on March 20, 2019.

After a review of the League of Oregon Cities Model Charter for Council/Administrator forms of government and a review of other Oregon cities with Council/Administrator form of government, the City Attorney's Office recommended that the St. Helens Governing Policy be revised to be made more consistent with best practices for a Council/City Administrator form of government.

On March 17, 2025, City Council held a Work Session to discuss recommended revisions to the Governing Policy. A copy of those recommendations are enclosed. At that Work Session, there was a general consensus from the Council that the proposed recommendations would be beneficial to the City of St. Helens.

For City Council's review and consideration, enclosed are redline revisions to the Governing Policy, that implement the recommendations discussed at the March 17, 2025, meeting.

In addition, SHMC 2.12.030 authorizes the City Administrator to have certain powers and duties as those "listed" or those in a "job description." None are listed in code. The League of Oregon Cities and other Oregon cities governed by Council/Administrator forms of government recommend a general list of authorities and duties to be clearly delegated to the City Administrator for the proper functioning of a city's business affairs. It is recommended that SHMC 2.12.030 be updated to reflect these general powers and duties. Enclosed are proposed revisions to SHMC 2.12.030 that include these recommendations.

Next Steps: At the May 7, 2025, Work Session, City Council to have an opportunity to review and discuss the proposed revisions to the Governing Policy and SHMC 2.12.030. Based on these discussions, additional revisions may be included in these documents before a final draft is presented for adoption at a subsequent City Council meeting.

CITY OF ST. HELENS WORK SESSION March 17, 2025	
Current Governing Policy	Legal Recommendations for revisions to Governing Policy
Hiring	
City Council hires City Administrator	No change
City Council hires Department heads	City Administrator selects Department head for hire, to be confirmed by City Council
Collaborative process of Council liaison, City Administrator and Department head hires Department employees, or if cannot agree, refer to Council	Department heads hire Department employees, subject to City Administrator approval
Supervision and Discipline	
City Council supervises and disciplines City Administrator	No change
City Administrator supervises and disciplines Department heads	No change
Department heads supervise and discipline Department employees	No change with input from City Administrator as needed.
Termination	
City Council terminates City Administrator	No change
City Council terminates Department Heads	City Administrator terminates Department heads
Collaborative process of Council liaison, City Administrator and Department head terminates Department employees, or if cannot agree, refer to Council	Department heads terminate Department employees
Performance Evaluations	
City Council evaluates City Administrator	Annually
Council liaison and City Administrator evaluates Department head.	Annually
Department employees are evaluated by supervisors, subject to review and approval by Department head	Annually

CITY OF ST. HELENS GOVERNING POLICY

1. **Purpose:** The purpose of this policy is to establish guidelines for ~~collaborative administrative decision-making and~~ a governing structure to be used by City Councilors and staff, and to delegate responsibilities and authority to implement the guidelines.
2. **Governing Structure:**— The City Council shall operate ~~based on a combination of forms of government. Subject to the allocation and delegation of authorities herein, the City in a manner consistent with the City Charter. The City Council shall act as a commission with each Councilor assigned one or more City departments. exercise its legislative and administrative authority by establishing policies through the adoption of ordinances and resolutions.~~ The City Administrator shall ~~supervise and coordinate~~ be responsible for the activities of all departments, and ~~coordinate proper administration of the collaborative process described below. daily affairs of the City of St. Helens, by carrying out these policies established by the City Council. No Councilor shall act individually, other than by expressions of opinion, recommendation, and motions stated during the conduct of City Council meetings.~~
3. **Collaborative Decision-Making on Policy Issues:**— This process applied to ~~administrative decision-making regarding department-level matters. Routine~~
 - a. Regular and emergency administrative decisions applying that apply adopted City policies shall be made by Department Heads, the City Administrator or City staff, as delegated to city staff by the City Administrator.
 - a.b. Decisions requiring policy interpretation or development of significant consequence or probable controversy shall be made in a collaborative process involving discussion and resolution between the Councilor Liaison assigned to the department, the City Administrator, and the Department Head. Issues that When a consensus cannot be resolved by consensus in the collaborative process reached related to such a policy interpretation, the City Administrator shall be referred refer the question to the Council.
- 3.4. **Personnel Hiring, Supervision and Discipline, and Termination:** Subject to the City's adopted personnel rules, supervisory authority shall be as follows:
 - a. City Administrator
 - i. The Council shall appoint and remove the City Administrator in accordance with the City Charter and St. Helens Municipal Code.
 - ii. The City Administrator shall carry out the duties set forth in the Charter, this Governing Policy, City Code or as otherwise directed by the Council.

b. Department Heads and Employees of departments shall be supervised by the

- a. Department Heads, including discipline not involving termination, shall be selected by the City Administrator in accordance with a recruitment and selection process determined by the City Administrator, who shall weigh the public interests, value of a national or regional search and recruitment, and the value of preserving internal career development and promotional opportunities for well-qualified, tenured and experienced employees. The City Administrator shall hire the selected Department Head candidate, subject to confirmation by a majority of the Council.
- b. Department Heads shall be supervised by the City Administrator. Hiring and termination of as necessary, Department Heads and the City Administrator shall may be the responsibility of the Council. disciplined and separated from City employment by the City Administrator in accordance with City's personnel policies.
- c. Department Heads may be fired by the City Administrator in accordance with any applicable employment contract and the City's personnel policies.
- d. Decisions regarding hiring and termination of department employees shall be made using the collaborative process. Such, and the supervision and discipline of employees, shall be performed by Department Heads in consultation with the City Administrator.

b-c. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Administrator or Department Heads in the making of any hiring, firing, or discipline decisions that lack concurrence of the collaborative group shall be referred to the Council. of any employee, or attempt to exact any promise relative to any hiring from any candidate. Nothing in this section prohibits, however, the Council, in open session, from fully and freely discussing with or suggesting to the City Administrator anything pertaining to city affairs or the interests of the city.

4.5. Personnel Evaluations: Subject to the City's adopted personnel rules, responsibility for personnel evaluations shall be as follows:

- a. The performance and accountability of the City Administrator shall be evaluated annually by the City Council. One Councilor will be selected by City Council to work with a suitable human resource professional, who will be either a contractor or employee, to administer a cost-effective performance evaluation process. Evaluations shall be written in a form approved by the Council. The City Administrator may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.

b. The performance and accountability of Department heads shall be evaluated annually by the City Administrator with involvement from the Council liaison. The City Administrator shall work with a suitable human resource professional, who will be either a contractor or employee, to administer an effective and cost-effective performance evaluation process. The Department head may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.

a-c. Department employees shall be evaluated annually by their supervisors subject to review and approval by each Department Head.

~~a. Department Heads shall be evaluated by the assigned Councilor and the City Administrator.~~

~~b. The City Administrator shall be evaluated by the City Council.~~

~~c. Evaluations shall be written in a form approved by the Council.~~

d. Upon completion, evaluations shall be communicated with the employee and referred to the City Administrator for retention in secured personnel files. in accordance with all public records and public meetings laws.

5.6. Personnel and Merit Principles: Nothing in this Governing Policy shall be interpreted or applied in a manner which contravenes or is inconsistent with the St. Helens City Charter and the City's rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

CITY OF ST. HELENS GOVERNING POLICY

- 1. Purpose:** The purpose of this policy is to establish guidelines for a governing structure to be used by City Councilors and staff, and to delegate responsibilities and authority to implement the guidelines.
- 2. Governing Structure:** The City Council shall operate in a manner consistent with the City Charter. The City Council shall exercise its legislative and administrative authority by establishing policies through the adoption of ordinances and resolutions. The City Administrator shall be responsible for the proper administration of the daily affairs of the City of St. Helens, by carrying out these policies established by the City Council. No Councilor shall act individually, other than by expressions of opinion, recommendation, and motions stated during the conduct of City Council meetings.
- 3. Collaborative Decision-Making on Policy Issues:**
 - a. Regular and emergency administrative decisions that apply adopted City policies shall be made by the City Administrator or City staff, as delegated to city staff by the City Administrator.
 - b. Decisions requiring policy interpretation of significant consequence or probable controversy shall be made in a collaborative process involving discussion and resolution between the Councilor Liaison assigned to the department, the City Administrator, and the Department Head. When a consensus cannot be reached related to such a policy interpretation, the City Administrator shall refer the question to the Council.
- 4. Personnel Hiring, Supervision, Discipline, and Termination:** Subject to the City's adopted personnel rules, supervisory authority shall be as follows:
 - a. City Administrator
 - i. The Council shall appoint and remove the City Administrator in accordance with the City Charter and St. Helens Municipal Code.
 - ii. The City Administrator shall carry out the duties set forth in the Charter, this Governing Policy, City Code or as otherwise directed by the Council.
 - b. Department Heads and Employees
 - i. Department Heads shall be selected by the City Administrator in accordance with a recruitment and selection process determined by the City Administrator, who shall weigh the public interests, value of a national or regional search and recruitment, and the value of preserving internal career development and promotional opportunities for well-qualified, tenured and experienced employees. The City Administrator shall hire the selected

Department Head candidate, subject to confirmation by a majority of the Council.

- ii. Department Heads shall be supervised by the City Administrator and as necessary, Department Heads may be disciplined and separated from City employment by the City Administrator in accordance with City's personnel policies.
- iii. Department Heads may be fired by the City Administrator in accordance with any applicable employment contract and the City's personnel policies.
- iv. Decisions regarding hiring and termination of department employees, and the supervision and discipline of employees, shall be performed by Department Heads in consultation with the City Administrator.
- c. No member of the council shall directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the City Administrator or Department Heads in the making of any hiring, firing, or discipline decisions of any employee, or attempt to exact any promise relative to any hiring from any candidate. Nothing in this section prohibits, however, the Council, in open session, from fully and freely discussing with or suggesting to the City Administrator anything pertaining to city affairs or the interests of the city.

5. Personnel Evaluations: Subject to the City's adopted personnel rules, responsibility for personnel evaluations shall be as follows:

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- b. The performance and accountability of Department heads shall be evaluated annually by the City Administrator with involvement from the Council liaison. The City Administrator shall work with a suitable human resource professional, who will be either a contractor or employee, to administer an effective and cost-effective performance evaluation process. The Department head may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.
- c. Department employees shall be evaluated annually by their supervisors subject to review and approval by each Department Head.

- d. Upon completion, evaluations shall be communicated with the employee and referred to the City Administrator for retention in secured personnel files in accordance with all public records and public meetings laws.

6. Personnel and Merit Principles: Nothing in this Governing Policy shall be interpreted or applied in a manner which contravenes or is inconsistent with the St. Helens City Charter and the City's rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

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Proposed revisions for the May 7, 2025, St. Helens City Council Work Session

CHAPTER 2.12 CITY ADMINISTRATOR

2.12.030 Power and authority – Duties.

(1) The Ceity Aadministrator shall exercise all authority and power herein delegated, or hereinafter delegated, to them by the Ceity Council. The duties of the Ceity Aadministrator are listed herein ander in any employment agreement the job description that is approved by Ceity Council. The duties and responsibilities hereinabove listed shall not be interpreted as limiting the authority of the city administrator but shall be interpreted as merely a partial definition of their responsibilities.

(2) The powers and duties of the City Administrator shall be as follows:

(a) The City Administrator shall devote their entire working time to the discharge of their official duties, attend all meetings of the Council unless excused therefrom by the Council, keep the Council advised at all times of the affairs and needs of the City, make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City.

(b) The City Administrator shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.

(c) The City Administrator shall appoint, supervise, and remove city employees as required, including designating a custodian of records, and except as the Charter or Governing Policy otherwise provides. The City Administrator shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Administrator shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The City Administrator shall delegate duties, but remain responsible for actions of all subordinates.

(d) The City Administrator shall ensure that all expenditures of public funds, including the purchase of goods and services, are made in accordance with City policies, State budget and public contract law, and generally accepted financial management practices.

(e) The City Administrator shall be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as that body requests.

(f) The City Administrator shall supervise the operation of all public utilities owned and operated by the City and shall have a general supervision over all City property; and

(g) The City Administrator shall perform other duties as direct by the Council.