

MEMORANDUM

Date: May 14, 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: On March 17, 2025, City Council held a Work Session to discuss general recommended revisions to the Governing Policy. On May 7, 2025, City Council held another Work Session to discuss the text of the Governing Policy and proposed revisions to SHMC 2.12.030, City Administrator.

Attachments: Included with this memorandum are proposed revisions to the Draft Governing Policy and SHMC 2.12.030, made as a result of the discussions in the May 7, 2025, City Council Work Session. The below chart explains the proposed revisions and the reasons for them.

GOVERNING POLICY	
Proposed Revisions to 5-7-2025 Draft	Explanation
Governing Structure. Delete: “No Councilor shall act individually, other than by expressions of opinion, recommendation, and motions stated during the conduct of City Council meetings.”	This statement applies to Councilors actions at a City Council meeting and is too restrictive to be included in the general Governing Policy framework. It is a statement more appropriate for Council Rules related to City Council meetings.
Collaborative Decision Making on Policy Issues. Delete this section in its entirety.	This section delegates authority to individual Council liaisons to have policy discussions with staff instead of involving the entire Council. City Council expressed the desire for the entire City Council to be involved in questions of policy. Therefore, this section is deleted.
Personnel Hiring, Supervision, Discipline, and Termination. Specify that Department Heads will be hired by the City Administrator by either an internal or external hiring process in accordance with the City’s hiring policies.	City Council discussed having a clear process to fill Department head vacancies. A survey of several other cities found that cities either provide for an internal or external recruitment process to fill department head vacancies and that they have regular hiring procedures. It was reported to be rare that a direct appointment for a department head has been made. Therefore, this section has been

	revised to require that Department heads be hired through an internal or external process in accordance with the City's hiring policies.
Personnel Hiring, Supervision, Discipline, and Termination. Delete "Department Heads may be fired by the City Administrator in accordance with any applicable employment contract and the City's personal policies."	This statement duplicated the statement above it.
Personnel Evaluations – City Administrator Clarify that the City Administrator's performance evaluation will be guided by City Council and administered by the City Recorder. Clarify that performance evaluations will be at least annually.	The prior draft proposed having a Council liaison oversee the process. The Council prefers the City Recorder to perform this function. Council discussed not wanting the requirement for annual performance reviews to limit more frequent reviews if necessary. This addition supports that option.
Personnel Evaluations – Department Heads Clarify that Department Head's performance evaluations will be guided by the City Administrator and then administered by the City Recorder.	The prior draft proposed having a Council liaison involved in the evaluation process. The Council prefers that the City Council liaison be removed from this process and requested that the City Recorder perform this function. Council discussed not wanting the requirement for annual performance reviews to limit more frequent reviews if necessary. This addition supports that option. Some councilors proposed that they be provided a copy of the performance evaluation. This recommendation was not included in this final draft as it is under review to determine if that practice is consistent with employment law practices.

SHMC 2.12.030, City Administrator: Power and Authority - Duties	
Proposed Revisions to 5-7-2025 draft shown in highlight	Explanation
2.12.030(e) The City Administrator shall be responsible for preparing and submitting to the Budget Officer and such information and reports as that Budget Officer requests;	Clarifies that the City Administrator is responsible for preparing information and reports at the request of the Budget Officer, but that the City Administrator is not

	necessarily responsible for preparing the budget, unless appointed by the City Council per ORS 294.331 to do so.
2.12.030(g) Encourage and support regional and intergovernmental cooperation	Recommended as a responsibility for the City Administrator by League of Oregon Cities.
2.12.030(h) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community.	Recommended as a responsibility for the City Administrator by League of Oregon Cities.

Next Steps: At the May 21, 2025, Work Session, City Council to have an opportunity to review and discuss these proposed revisions. If desired, the Governing Policy and revisions to SHMC 2.12.030, with any revisions discussed, may be placed on the City Council Agenda for adoption.

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, the City Administrator, 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.~~

4.3. Personnel Hiring, Supervision, Discipline, and Termination: Subject to the City's adopted personnel rules, ~~supervisory~~the City Administrator and Department Heads authority shall be as follows:

- a. City Administrator
 - i. The Council shall appoint, supervise, discipline, and as necessary, 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 ~~and/or~~ as otherwise directed by the Council.
- b. Department Heads and Employees
 - i. Department Heads shall be selected by the City Administrator by an internal or external recruitment in accordance with the City's hiring policies which a recruitment and selection process or if not described as 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 ~~and any applicable employment Contract.~~

~~a. Department Heads may be fired by the City Administrator in accordance with any applicable employment contract and the City's personnel policies.~~

- iii. 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.

5.4. 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 at least annually by the City Council. ~~One Councilor will be selected by City Council to~~ City Council will provide guidance to the City Recorder about the scope and methods for the performance evaluation, who will 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 at least annually by the City Administrator ~~with involvement from the Council liaison.~~ The City Administrator shall provide guidance to the City Recorder about the scope and methods for the performance evaluation, who will work with a suitable human resource professional, ~~who will be~~ either a contractor or

employee, to administer ~~an effective and a~~ cost-effective performance evaluation process. The Department ~~head~~heads may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.

- c. Department employees shall be evaluated at least 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.

6.5. 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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- 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.
- 3. Personnel Hiring, Supervision, Discipline, and Termination:** Subject to the City's adopted personnel rules, the City Administrator and Department Heads' authority shall be as follows:
 - a. City Administrator
 - i. The Council shall appoint, supervise, discipline, and as necessary, 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 and as otherwise directed by the Council.
 - b. Department Heads and Employees
 - i. Department Heads shall be selected by the City Administrator by an internal or external recruitment in accordance with the City's hiring policies, which 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 candidates, 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 the City's personnel policies and any applicable employment Contract.
 - iii. 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.

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- b. The performance and accountability of Department heads shall be evaluated at least annually by the City Administrator. The City Administrator will provide guidance to the City Recorder about the scope and methods for the performance evaluation, who will work with a suitable human resource professional, either a contractor or employee, to administer a cost-effective performance evaluation process. The Department heads may be asked to prepare a self-assessment that identifies major accomplishments during the evaluation period.
- c. Department employees shall be evaluated at least 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.

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CHAPTER 2.12 CITY ADMINISTRATOR

2.12.030 Power and authority – Duties.

(1) The Ceity Administrator shall exercise all authority and power herein delegated, or hereinafter delegated, to them by the Ceity Ceouncil. The duties of the Ceity Administrator are listed ~~herein and~~ in any employment agreement the job description that is approved by Ceity Ceouncil. 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 Officer and Budget Committee the annual budget estimates and such information and reports as that Budget Officer 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;

(g) Encourage and support regional and intergovernmental cooperation;

(h) Promote cooperation among the Council, staff and citizens in developing city policies and building a sense of community; and

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