

Budget, Governance and Intergovernmental Relations Committee

Pre-Read for April 3, 2023 Committee Meeting

Regarding Appointed Positions Personnel Evaluations

POLICY QUESTION AND COMMITTEE CHARGE

How can Council staff appointees' performance be evaluated most effectively?

- Assess and make recommendations specific to how to effectively evaluate City Council staff appointee's performance.
- Report to full Council on suggestions and recommendations.

LEGAL FRAMEWORK

NC Statute

- The City Attorney shall be appointed by City Council to serve at its pleasure [NCGS 160A-173]
- The City Manager shall be appointed by City Council to serve at its pleasure [NCGS 160A-147]; and
- There shall be a City Clerk [NCGS 160A-171]
- The City Manager shall appoint and suspend or remove city officers and employees not elected by the people, and whose appointment or removal is not otherwise provided for by law, except the city attorney and city clerk, in accordance [with Council's policies and ordinances][NCGS 160A-148A]

City Charter (Section 4.02)

"The Council shall appoint the City Manager, City Clerk, and City Attorney, each of whom shall hold office during the pleasure of the Council."

ROLES AND RESPONSIBILITIES

CITY ATTORNEY

North Carolina STATUTE REQUIREMENTS re: City Attorney

The council shall appoint a city attorney to serve at its pleasure and to be its legal adviser. (1971, c. 698, s. 1.)

City of Charlotte Charter REQUIREMENTS re: City Attorney

Chapter 1: **GENERAL PROVISIONS** Every ordinance amending or repealing any ordinance and every new ordinance shall be proposed in writing and shall be approved as to form by the city attorney, the deputy city attorney or an assistant city attorney.

Chapter 6: Article 12 **RESIDENTIAL RENTAL REGISTRATION AND REMEDIAL ACTION PROGRAM**

Review instances referred in which a property continues to fall at or above the disorder risk threshold for a determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

Chapter 11: **HOUSING** Article 2 - Petition the superior court for an order directing an owner to comply with the order of the code enforcement official as authorized by G.S. 160D-1208.

Chapter 12: Article 2 - **CHARLOTTE-MECKLENBURG COMMUNITY RELATIONS COMMITTEE**
Review complaints of for action escalated by the Community Relations Council regarding Discretionary Practices and Fair Housing.

Chapter 17: **SOIL EROSION AND SEDIMENTATION CONTROL** Article 3
Review for action requests from the city engineer to institute a civil action to recover outstanding assessments related to the city ordinances on soil erosion and sedimentation control

Chapter 18: **STORM WATER SECTION** Article 3 - Institute a civil action to recover the amount of the civil penalty.

ADDITIONAL KEY RESPONSIBILITIES re: City Attorney

Leading and directing the Office of the City Attorney

Oversees City Attorney's Office fiscal operations, budget, business plans

Overseeing all litigation, including coordinating with outside counsel

Researching and preparing oral and written legal opinions for the Mayor, City Council, City Manager, Department Heads, staff, committees, boards, and commissions

Drafting and reviewing proposed ordinances, resolutions, proclamations, policies and procedures, and contracts for consideration by the Mayor and City Council, to ensure compliance with applicable laws and requirements

North Carolina STATUTE REQUIREMENTS re: City Clerk

There shall be a City Clerk [NCGS 160A-171]

Clerk shall: 1) give notice of Council meetings; 2) keep record of Council proceedings; 3) be custodian of city records; and 4) perform any other duties required by law or Council.

Publishes public hearing notices and other legal advertisements and filings as prescribed by statute for annexation, property condemnation, etc.

Records and retains official City records, using citywide records management program; allows access for inspection and copying of records

Serves as repository for State required files

Conducts the Oath of Office for designated positions

Maintains ethics code and ethic education records for Council

Attests and certifies documents through use of City Seal

City of Charlotte Charter REQUIREMENTS re: City Clerk

Citizen’s Review Board and Civil Service Board staff support and records retention

Council-designated Boards and Commissions process administration, coordinates nominations, appointments and attendance

Custodian of the City Seal

Receives applications for public monuments

Publishes public hearing notices and other legal advertisements as prescribed by Municipal Code for code enforcement and quasi-judicial proceedings

ADDITIONAL KEY RESPONSIBILITIES re: City Clerk

Leading and directing the Office of the City Clerk

Oversees City Clerk Office fiscal operations, budget, business plans

Coordinates with public speakers and disseminates speakers list to City Council, the public and city departments

Maintains the statement of Economic Interest for elected and appointed officials, boards and commission Members

Provides guidance to ensure compliance with municipal and state governance administration laws

Notarizes documents

Oversees the City-wide Public Records Program, including the State Archives’ Records Retention and Disposition Schedule and receipt and processing of requests for public records

North Carolina STATUTE REQUIREMENTS re: City Manager

City Manager shall be the chief administrator of the city and be responsible to the council for administrating all municipal affairs placed in the manager's charge by the council.

City Manager shall have the following powers and duties:

- 1) Appoint and suspend or remove all city officers and employees not elected by the people (not otherwise provided for by law, except the City Attorney and City Clerk) in accordance with council adopted rules/regulations/policies/ordinances
- 2) Direct and supervise the administration of all departments, offices, and agencies of the city, subject to the general direction and control of the council, except as otherwise provided by law
- 3) Attend all meetings of the council and recommend any measures that he deems expedient
- 4) See that all laws of the State, the city charter, and the ordinances, resolutions, and regulations of the council are faithfully executed within the city
- 5) Prepare and submit the annual budget and capital program to the council
- 6) Annually submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of the fiscal year
- 7) Make any other reports that the council may require concerning the operations of city departments, offices, and agencies subject to his direction and control
- 8) Perform any other duties that may be required or authorized by the council
- 9) Receive a minimum of six clock hours of education upon the occurrence, or within six months of the occurrence, of any of the following:
 - a. The Local Government Commission is exercising its authority under Article 10 of Chapter 159 of the General Statutes with respect to the city
 - b. The city has received a unit letter from the Local Government Commission due to a deficiency in complying with Chapter 159 of the General Statutes
 - c. The city has an internal control material weakness or significant deficiency in the most recently completed financial audit
 - d. The city is included on the most recently published Unit Assistance List issued by the Department of State Treasurer

b) The education shall incorporate fiscal management and the requirements of Chapter 159 of the General Statutes. The education may be provided by the Local Government Commission, the School of Government at the University of North Carolina, the North Carolina Community College System, the North Carolina League of Municipalities, the North Carolina Association of County Commissioners, or other qualified sources at the choice of the governing board and upon the prior approval of the Local Government Commission.

City of Charlotte Charter REQUIREMENTS re: City Manager

Sec. 4.03. - Council-manager relationship.

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.

Multiple chapters and sections of the City Charter - reference authorities of City Manager within the context of city services and regulations.

ADDITIONAL KEY RESPONSIBILITIES re: City Manager

Advise the City Council regarding policy issues, including short- and long-range plans to address City business, public safety challenges, economic development and job creation, infrastructure priorities, operational and administrative Objectives

Advance Citywide initiatives through participative leadership

Lead the organization with a commitment to uphold the constructive culture present throughout the organization including valuing positive employee working relations and respecting the richness of cultures, and diversity

Promote effective and efficient delivery of City-wide programs and services through the application of strategic management tools

Ensure the overall fiscal health of the City through resource management and revenue enhancement

Sustain a culture of effective communication

Support the mission of the City through staff training and development

Use technology to address operational needs within the organization

Foster, cultivate and preserve a culture of diversity and inclusion by promoting and embracing diversity throughout the work force

Build on and enhance development and implementation of initiatives for service and quality improvement including customer satisfaction enhancement