

Determining Who Is in Charge?

Action	Proposed Charter	Existing Charter
Supervise contracts	Mayor's authority to supervise and enforce contracts is deleted. Sec. 52, and authority given to City mgr. Sec. 100 c.	Mayor has authority to see that contracts with City are kept and fully performed & shall cause legal proceedings to commence if breached. Sec 52
General supervision	Mayor has general supervision over City Mgr., Chief of Police, Fire Dept. and all elected officers except Council. Sec. 52.	Mayor has general supervision of all city officers, elected or appointed, except Councilmen. Sec. 52.
Suspension	Mayor has authority to suspend or discharge for cause City Mgr., Acting City Mgr. subject to State law. Sec. 52	Mayor has power to discharge any City appointive officer or employee for dereliction, neglect of non-performance of duty, except employees in the classified service. Sec. 52.
Appointments and vacancies	Mayor appoints with Council approval all officers and all members of joint powers authorities, committees, etc. Except for appointments made by the City Mgr or by elected officials pursuant to Charter. Limits Mayor Pro Temp.'s power of veto in filling vacancies.	Says merely the Mayor has power to appoint all officers. Sec. 51
Administration of City Depts.	City Mgr. appointed by Mayor subject to confirmation by Council. Chief administrative officer of City. Sec. 100.	
Hire and Fire	City Mgr .recommends appointment and removal of appointed officers and employees, except mgr's office and Chiefs of PD and Fire. Sec. 40(s).	Mayor and Council have power to appoint and remove. Sec. 40 (s).
Mayor PrTemp restrictions	May not remove, discharge, recommend removal of City Mgr. Chief of PD, FD unless acting as Mayor for at least 60 consecutive days. Sec. 40 (s)	Sec. 52 Mayor has power to discharge appointive officer of employee, etc. (above)
Appointment of City Mgr.	Mayor appoints, subject to confirmation by Council, City Mgr. who is chief CAO of City Sec. 100	There is no mention of City Mgr. nor City Administrator in existing charter.
Choice among City Mgr. candidates	Mayor shall appoint the person deemed best qualified on basis of executive and admin. capabilities, giving preference to candidates with mgmt experience and knowledge of accepted practices with respect to duties as set forth in charter. Sec. 100.	“ “
Contact with Dept. heads thru City Mgr.	Mayor and Council nor any elected City official shall attempt to influence hiring. Administrative service may be dealt with only thru the City Mgr. except for purpose of inquiry and advising of complaints. Sec. 104.	“ “
Eligibility for City Mgr's office	City elected officials not eligible until 8 yrs. have passed. Sec. 105.	
Police Dept.	Under general supervision of Mayor, the immediate supervision of City Mgr. Neither Mayor nor City Mgr. shall interfere with PD duty	Mayor and Council have control and mgmt of P.D. Sec. 180.
Fire Dept.	“ “ Fire Dept.	“ “ Fire Dept.
Nepotism	No official or board shall recommend for hire, appointment, hiring or confirmation of same for any person who is a relative by blood or marriage within the third degree of any one of the officers above.Sec. 243.	
Power to dismiss	City Mgr, P.D.Chief, Fire Chief, member of appointive boards, commissions, may be dismissed for the good of the service by Mayor, with consent of 2/3 Council Sec. 256.	Any City appointive officer or employee of City except those commissioners and members with definite terms and except deputies & employees working for elected officials, may be dismissed for dereliction, neglect or non-performance of duty by Mayor. Sec. 52. For summary dismissal Sec. 256 calls for consent of 2/3 of Council.
Power to dismiss	Any Dept. Head, Div. Head or any employee in the unclassified service with exceptions for employees working for elected officials may be summarily be dismissed for the good of the service by the City Mgr. with consent of Mayor and Council. Sec. 256.	Sec. 52 and Sec. 256 above. Mayor has this power in Sec. 52, and 2/3 Council must confirm in case of summary dismissal (Sec. 256) in existing charter.

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Creating Council committees	Council may create such standing and ad hoc committees as it deems appropriate to be composed entirely of Council Members appointed by the Council. Sec. 37.	New section.
Override Mayor's orders	Mayor's order, directive and/or decision, formal or informal , may be overridden, amended, revised or withdrawn by 2/3 Of Council.	Any executive order of the Mayor made either formally or informally may be overridden, amended, etc. by 2/3 vote of Council. Sec. 39.
Jail, inmate use	Council has power to provide a City jail and provide for the utilization of sentences to perform community service as prescribed.	Council shall have power to provide a City prison and require the prisoners of misdemeanors to perform such labor as may be prescribed. Sec. 40 (o).
Chief executive officer	Mayor shall be the CEO and chief spokesperson of the City. Sec. 50.	The Mayor shall be the CEO of the City.
Veto power	No order, resolution or ordinance has effect without approval of Mayor, except when 5 Council members concur in its adoption. For orders, Mayor's disapproval must be spread upon the minutes at meeting when order is passed. In cases of ordinances and resolutions, after passage they are submitted to Mayor who has 5 days to approve or disapprove. If Mayor fails to approve, 5 votes are required to override. Sec. 31.	same in existing charter.
Mayor's duties	Mayor shall vigilantly observe the official conduct of all public officers, notice the performance, esp. in collection and disbursement of public funds Sec. 50. Sec. 102 c City Mgr. to ensure, in cooperation with the Atty Gen'l, DA, City Atty, Pd Chief and Fire Chief that all laws ordinances, orders, resolutions, contracts and franchises are enforced and executed. Sec. 102(f)	Mayor shall cause the strict enforcement of all laws and ordinances within his/her jurisdiction. (also the duties in column to the left.) Sec. 50.
Books and records of City	Books, records and official papers of depts., boards, officers, etc. shall be open to all persons for inspection and examination.	All text in left column, plus Mayor shall cause all the books and records of said depts., bds., officers etc. to be kept in legal and proper form. Sec. 50
Scrutiny of depts.	Any defamation or willful neglect of duty or misconduct reported to Mayor shall be laid before the Common Council ...& proceeded against according to law. Sec. 50.	same
Report state of the City	Mayor shall give Council info in writing relative to state of City and recommend measures as may be deemed beneficial. Sec. 50 City Mgr. shall submit such rpts as Mayor or Mayor and Council require concerning the operations of depts. and recommend to Mayor and Council adoption of measures deemed advisable. Sec. 102(f).	same from sec. 50, but omits sec. 102 (f) which brings the city mgr. into the loop.
Audit	Mayor shall have books and records of public depts. pertaining to City finances experted by competent person at least once/year. Sec. 50. City Mgr. shall prepare and submit annual budget and keep Mayor and Council fully advised as to the financial condition and needs of City. Sec. 100(e).	same from sec. 50, but sec. 102 (e) which brings the city mgr. into the loop is omitted.-
Dept. supervision	Mayor shall have general supervision over depts. and public institutions of City shall cause them to be honestly, economically and lawfully conducted and take measures to preserve public order. Sec. 50	Compare with Sec. 102 (I) which calls upon the City Mgr. to confer with City Atty. It is duty of City Mgr. to insure that all Mgr. directed depts. perform all their duties legally and adhere to pertinent laws, etc. in performance of their duties and official conduct.
Riots and tumults Enforcement of laws, contracts, resolutions, etc.	Mayor shall take all proper measures for the preservations of public order and suppression of all riots and tumults. Sec. 50. City mgr. has authority to ensure, in cooperation with the AG, DA, City Atty, PD Chief and Fire Chief, that all laws, ordinances, orders, resolutions, contracts, and franchises are enforced and executed. Sec. 102 c.	Mayor shall take all proper measures for the preservation of public order and suppression of all riots and tumults. Sec. 50. Sec. 102 c is not in existing charter.