



The Municipal Manager/Administrator

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Municipal officials and employees today face an uphill battle trying to keep up with the changes affecting them. Every day brings new court decisions, new laws, and new regulations which increase the duties and responsibilities imposed on them. It's no wonder that these overburdened officials are seeking new methods to ensure that every "i" is dotted and every "t" is crossed.

In many cases, the solution is to hire a municipal manager or administrator to assist in the administration of municipal affairs. Municipalities thinking about hiring a municipal manager or administrator have three options. While Alabama law permits a municipality to formally adopt the council-manager arrangement as its form of government, the Alabama Code also allows municipalities to hire a manager without going through the formal procedures of changing their form of government. This is fortunate, since most of these municipalities do not want to formally change their form of government.

Municipalities in Alabama have had the authority to hire a manager since 1936, when the legislature adopted Alabama Code Sections 11-43-20 through 11-43-22. However, merely hiring a manager pursuant to these provisions does not mean that the municipality has formally adopted the council-manager form as its form of government. A manager who is hired without the official adoption of the council-manager form does not have all of the administrative powers of a manager who operates under the true officially adopted council-manager form of government.

Hiring a manager under Ala. Code Sections 11-43-20 through 11-43-22 presents other problems because some Code provisions relating to the hiring of a manager appear to conflict with other provisions of the Code. For instance, Section 11-43-81 provides that the mayor has the power to hire and fire employees, while Section 11-43-21 gives this power to the manager. The potential for disagreements is obvious.

Although this issue has not been addressed by any appellate courts, it has been litigated on the local level. In April 2018, the mayor of the city of Fairfield challenged the city council's authority to appoint a city manager to be the administrative head of city government with the power and duty to appoint any necessary employees under Section 11-43-20 of the Alabama Code. The mayor also challenged the council's authority to make the office of the mayor ceremonial in nature without first changing the city's form of government to a council-manager form of government. In response, the Jefferson County Circuit Court granted an injunction against the council setting aside the council's hiring of the city manager. Later in January 2019, the Jefferson County Circuit Court ruled that the two ordinances passed by the council that stripped the mayor of his statutory powers were void because the mayor was not given an opportunity to vote on the ordinance creating the position and was not present for the council's vote to appoint the city manager.

There is no question that the many layers of municipal government often seem overly complex and bureaucratic, even to insiders. Adding another level, in the form of a city manager with powers which overlap those exercised by the mayor, simply makes the situation even more confusing. To avoid these complications and the conflicts presented by the statutes, many municipalities have chosen to appoint a municipal administrator or an administrative assistant to the mayor to help oversee the executive functions of municipal government, rather than a city manager.

For those municipalities who still wish to have a city manager, there are three options. First, a municipality can formally adopt the council-manager form of government, which a few have done. Second, a municipality can appoint a manager pursuant to Ala. Code Sections 11-43-20 through 11-43-22. Finally, a municipality can utilize the general power of the council to appoint officers and employees, and hire a knowledgeable individual to assist the mayor, and call him or her a manager or an administrator.

This article examines the role of the city manager or administrator in each of these circumstances. Please note that the title given to the position varies among localities in Alabama and is largely a matter of semantics. The important feature of each of the positions is the way in which the position was created. Therefore, the relevant question to ask is: Was the person hired to fulfill the duties of a council-manager municipality, to exercise the powers set out in Section 11-43-21, or simply to assist the mayor with the administrative functions of the municipal operations?

True Officially Adopted Council-Manager Form of Government

Sections 11-43A-1 through 11-43A-52 of the Code of Alabama govern the creation and operation of municipalities which elect to adopt the council-manager arrangement as their official form of government. It is important to note that the provisions of these sections apply only to municipalities which operate under this form of government. Municipalities which continue to operate under the mayor-council form are not subject to these regulations and duties.

All Class 2 through Class 8 municipalities (all municipalities except Birmingham) have the authority to adopt the council-manager form of government by following the procedures set out in these provisions of the Code. The process begins when 10 percent of the number of qualified voters who voted in the last general municipal election in the municipality file a petition with the probate judge requesting an election to determine whether the municipality should adopt the council-manager form of government. The probate judge must determine whether the signatures are genuine and, if he or she is convinced, must certify that fact to the mayor within 15 days of receiving such petition. Ala. Code § 11-43A-2 (1975).

Within 10 days of receiving the probate judge's certification, the mayor must issue a proclamation ordering a special election to be held. If the mayor fails to act within the requisite time, the probate judge orders the election. Unless a general election is scheduled within 120 days of the day the mayor received the probate judge's certification, the election is held between 40 to 90 days of the mayor's receiving the certification. If a general election is scheduled, the question of changing the form of government is submitted to the voters at that election. Ala. Code § 11-43A-3 (1975).

Conducting the Election

Pursuant to Ala. Code § 11-43A-5, ballots at the election are required to be printed separately and should ask:

Shall the council-manager form of government as provided by the Council Manager Act 1982 be adopted for the municipality of _____.

Yes _____ No _____

Voters mark their ballots with a cross mark (X)

Additionally, the question on the ballot shall indicate the composition of the mayor and council should the council-manager form of government be adopted. Ala. Code § 11-43A-1.1 (1975).

The election is conducted, and results are determined as provided for other municipal elections, which means that the council canvasses the vote the day following the election. If the majority of the votes are in favor of changing the form of government, the mayor must certify that fact to the governor, the secretary of state, and the probate judge within five days of the election. Ala. Code § 11-43A-6 (1975).

The change in the form of government takes effect on the first Monday in November after the date of the next general municipal election held to elect members of the governing body. If the voters fail to approve the change in the form of government, the question cannot be resubmitted for two years. Ala. Code §§ 11-43A-4, 11-43A-7 (1975).

The Governing Body

The governing body of a municipality organized under the council-manager form of government is known as a council. The composition of the council can differ depending on the action taken by the municipality and the municipal class.

One option is after the judge of probate has certified the sufficiency of the petition to the mayor the council of any Class 4, 5, 6, 7 and 8 municipality may elect for the council to be composed of either five or seven members as follows:

One member shall be the mayor elected at large, who shall be a voting member of the council and either four or six members shall be council members elected either at large or from single-member districts, as the resolution shall provide. If a municipality has single-member districts for the election of council members when the council-manager form of government is adopted in the municipality, the municipality shall continue with either four or six council members elected from single-member districts and the mayor shall be elected at large. Ala. Code § 11-43A-1.1 (1975).

However, if the municipality does not pass a resolution to have either five or seven members districted as provided in §11-43A-1.1, then the council shall be composed of five members as follows:

One member shall be the mayor who is elected at-large. One councilmember shall be elected by the voters at-large. Three members shall be elected by the voters from each of three single-member districts. The officers elected shall serve for four-year terms. Ala. Code § 11-43A-8 (1975).

In Class 6 cities, the governing body may elect to have a nine-member governing body composed of a mayor elected at-large and two councilmembers from each of four dual-member wards. Generally, the mayor is the presiding officer of the council and may vote on any issue coming before that body. Ala. Code §§ 11-43A-8, 11-43A-9 (1975).

The first officers are elected at the next general election. Before then, the governing body must divide the municipality into districts containing as nearly an equal number of people as possible. In Class 6 municipalities who elect to have a nine-member council, the governing body can by ordinance subdivide and establish geographic post boundaries of approximately equal population for each of the two posts in any or all of the four districts. The ordinance must be adopted no later than 75 days prior to the date of the election. Ala. Code § 11-43A-9 (1975).

Candidates must qualify to run for the position of mayor or councilmember. Candidates, other than those running at large, must reside in the district they seek to represent. A voter may cast one vote for mayor, one for councilmember at-large (if applicable), and one vote for a candidate for the district in which he or she resides (one vote for each of the two candidates in each district in Class 6 municipalities who elect to have nine councilmembers). In Class 6 municipalities who have elected to have a nine-member council and that have subdivided and designated by ordinance geographic post boundaries for a district, each voter within that district may cast one vote for a candidate for the post position of the subdivision of the district where they reside. Ala. Code § 11-43A-9 (1975).

To be elected, a candidate must receive a majority of the votes cast. If no candidate receives a majority a runoff election is required. Winners take office the first Monday in November following the election. However, in Class 6 municipalities who elect to have a nine-member governing body, the council first elected shall take office on the first Monday in October in an even numbered year designated by the municipal governing body. Ala. Code § 11-43A-8, 11-43A-9 (1975).

The mayor presides over council meetings and is recognized as the head of the municipal government for all ceremonial purposes but has no other administrative duties. The councilmember-at-large, where applicable, is the assistant mayor and acts as mayor when the mayor is absent or otherwise unable to act. Any vacancy in the office of mayor shall be filled by the councilmember at-large. Ala. Code § 11-43A-16 (1975).

In Class 6 municipalities that elect to have a nine-member council, Class 7 municipalities with a council consisting of a mayor and four council members at large and municipalities organized under Section 11-43A-1.1, the mayor pro tem, who is elected from the membership by a majority vote of the council, acts as the mayor when the mayor is absent or otherwise unable to act. Additionally, any vacancy in the office of the mayor shall be filled by the mayor pro tem. Ala. Code § 11-43A-16 (1975).

As for vacancies on the council, the council fills such vacancies at the next regular meeting following the vacancy. Only residents of a district are eligible for appointment to fill a vacancy in one of the districted council seats. In Class 6 municipalities with nine-member councils the person must receive five affirmative votes and in municipalities organized under Section 11-43A-1.1 a person must receive the affirmative vote of the majority of the elected members of the council. Ala. Code § 11-43A-16 (1975).

Powers of the Council

All powers of the municipality given it by the Council-Manager Act and by the State Constitution, the general and local laws of the state, and the determination of all matter of policy are vested in the council. The council also has the power to appoint and remove the manager, and to establish other administrative departments and distribute the work among them. Ala. Code § 11-43A-17 (1975).

The council, by ordinance, may create, change, and abolish offices, departments, boards or agencies other than those established by the Council-Manager Act. Further, the council may by ordinance, assign additional functions or duties to offices departments boards, or agencies created by the Act but may not discontinue or assign to any other office, department, board or agency any function or duty specifically assigned by the Council-Manager Act. Ala. Code § 11-43A-19 (1975).

All meetings of the council are public. The council must meet at least twice a month and may establish its own rules of procedure. A majority of the whole qualified membership of the council constitutes a quorum. Permanent ordinances and resolutions must be presented in writing and read in full unless the council prescribes otherwise in its rules of procedure. Permanent ordinances and resolutions are adopted and published as in mayor-council municipalities. The clerk is required to keep minutes of council meetings. The mayor and clerk both must sign the minutes. Ala. Code §§ 11-43A-21, 11-43A-23, 11-43A-24 (1975).

Each month, the council must make available in the office of the manager a detailed statement of all municipal receipts and expenditures and a statement of the council proceedings during the preceding month. At the end of the year, the council shall have a full examination of all books and accounts of the municipality made by a certified public accountant. The results of this audit must be published in pamphlet form and made available for public inspection in the offices of the manager, the clerk, and at the public library. Ala. Code § 11-43A-27 (1975).

Appointment of the Manager

The council is responsible for appointing the manager by majority vote of the whole council. The manager is an officer of the city or town. No civil service act applicable to the municipality applies to the appointment or dismissal of the manager. Ala. Code § 11-43A-18 (1975).

In two cases, the council may appoint a temporary manager, who may serve for no more than four months. First, the initial council elected under the council-manager form of government has the right to appoint a temporary manager. Second, a temporary manager may be appointed following the removal of a permanent manager. If the temporary manager serves for more than four months, he or she becomes the permanent manager. While the manager does not have to be a resident when appointed, he or she must reside within the corporate limits during his or her tenure. The manager serves an indefinite term but may be removed by the council at any time by majority vote. Terms of removal in Class 6 cities with nine-member councils and Class 7 cities organized under § 11-43A-3.3 can be determined by contract. Ala. Code § 11-43A-18 (1975).

Powers and Duties of the Manager

The manager is the head of the administrative branch of the municipal government and is responsible to the council for the proper administration of all municipal affairs. Subject to local civil service or merit system laws and the Council Manager Act, the manager has the power to:

- Enforce all laws and ordinances;
- Appoint and, when necessary, remove all officers and employees of the municipality, except members of certain boards;
- Exercise administrative supervision and control over all officers, employees, offices, departments, boards and agencies created by the Act or by the council, except as otherwise provided in the Act;
- Keep the council advised as to the financial condition of the municipality;
- Prepare and submit an annual budget;
- Be responsible for the administration of the budget after adoption by the council;
- Recommend actions to the council;
- Prepare and submit to the council such reports as may be required; and
- Perform any other duty not inconsistent with the Act.

Ala. Code § 11-43A-28 (1975).

When the manager is temporarily absent or disabled, the manager may designate by letter filed with the city clerk a qualified administrative officer of the municipality to perform the managerial duties. However, if the manager fails to make such designation, the council by resolution can appoint a qualified administrative officer of the municipality to perform the managerial duties until the manager returns from their temporary absence. Ala. Code § 11-43A-28 (1975).

The council and its members are prohibited from requesting the manager to appoint or employ any person, or in any manner taking part in the appointment or removal of officers or employees. Except for inquiries, councilmembers, including the mayor, shall only deal with the administrative side of the municipal government through the manager. The mayor and councilmembers are prohibited from giving orders to subordinates of the manager. Violations are punishable as Class C misdemeanors. A second conviction results in forfeiture of office. Ala. Code § 11-43A-18 (1975).

The manager, department heads, and other municipal officers may attend council meetings, but may not vote. The manager may participate in matters coming before the council and must be notified of any special or adjourned meetings. The manager must be bonded in an amount approved by the council. The municipality shall pay the premiums. Both the manager and the council have the authority to inquire into the conduct of any office or board of the municipality and to require the production of books, papers, and other evidence needed to further those investigations. Ala. Code §§ 11-43A-46, 11-43A-47, 11-43A-49 (1975).

The Municipal Clerk and the Treasurer

Municipalities which elect to operate under the council-manager form of government must also appoint a municipal clerk who has the powers and duties as set out in the Code. The clerk, unless subject to a civil service or merit system, shall be elected by a majority vote of the councilmembers. Ala. Code §11-43A-20 (1975).

The council may establish the office of treasurer and assign whatever duties and responsibilities it deems necessary. A treasurer shall be elected by a majority vote of the qualified members of the council. The treasurer serves as the custodian over municipal funds and keeps books showing the financial condition of the municipality. The council may, by ordinance combine the offices of clerk and treasurer. Ala. Code §11-43A-30 (1975).

Financial Affairs

The fiscal year of the municipality begins on the first day of each October and ends on the last day of each September. The fiscal year is also the budget and accounting year. The manager, at least 45 days before the beginning of the budget year, must submit a budget proposal to the council. The council shall adopt a budget, by ordinance, prior to the beginning of each fiscal year. Once adopted, the budget is a public record and is available for inspection by the public. Changes in the budget during the year must be done by ordinance. Ala. Code §11-43A-29 (1975).

The council shall prescribe, by ordinance, the method of paying out funds of the municipality. Checks and warrants shall be signed by at least two officers of the municipality designated by ordinance. All funds shall be deposited as provided by the council. No contract involving the payment of money out of the appropriation of more than one year shall be made for a period of more than five years, nor shall any such contract be valid unless made or approved by ordinance and signed in the name of the municipality by the mayor and countersigned by the manager. Ala. Code §§11-43A-31, 11-43A-48 (1975).

Other Provisions

The Act also contains provisions relating to establishing council districts, reapportionment of districts, and the effect of a change in the form of government on existing officers, employees, offices, departments, civil service or merit systems, contracts, pending litigation, pension and retirement funds and existing laws.

An additional council-manager form of government is found at Sections 11-43A-70 through 11-43A-116. This Act was passed to address the needs of one municipality, and it does not generally affect other cities or towns.

City Managers Appointed Under Article 2 of Chapter 43 of Title 11 (Sections 11-43-20 through 11-43-22)

As mentioned above, any mayor-council or commission municipality may elect to hire a manager without formally changing its form of government. Sections 11-43-20 through 11-43-22 govern the appointment and duties of a manager hired by one of these municipalities.

The council of any municipality which wishes to employ a manager must adopt an ordinance to that effect, setting a date not less than 30 nor more than 60 days following the date of its passage upon which the manager shall assume his or her duties. Ala. Code §11-43-20 (1975).

A manager hired under these provisions serves as the administrative head of the municipal government and must be chosen without regard to his or her political beliefs. The manager's salary is set by ordinance and is payable in 12 monthly installments. The manager must serve full-time and is responsible to the governing body. Ala. Code §11-43-21 (1975).

The manager has specific authority set out by Ala. Code § 11-43-21 which includes:

- See that all laws and ordinances are enforced;
- Appoint and employ all necessary employees, except for the police chief, the fire chief, and the utility superintendents, which are appointed by the council;
- Remove employees appointed by him or her without the consent of the governing body, with certain exceptions;
- Attend all meetings of the governing body and to participate in all discussions;
- Receive notice of all special meetings;
- Make recommendations to the governing body;
- See that all terms and conditions imposed by franchises are kept;
- Make and execute all contracts concerning matters within his or her jurisdiction, provided that no contract involving more than \$100 is binding until the council approves;
- Keep the governing body advised of the financial condition and needs of the municipality;
- Make a full report to the governing body on the first of each month, showing the operation and expenditures of all municipal departments during the prior month;
- Fix all salaries and compensation of municipal employees subject to council approval;
- Perform the clerk's duties when directed to do so by a council resolution;
- Act as the municipal purchasing agent; and,
- Perform other duties as prescribed by law or by ordinance or resolution of the governing body.

The manager's term is coextensive with the term of office of the governing body. He or she may be dismissed upon 60 days' notice following a two-thirds vote of the entire governing body. Ala. Code § 11-43-21 (1975).

Hiring a Municipal Administrator

As pointed out above, apparent internal conflicts among Code sections have caused many municipalities, which wanted an executive administrator but who did not want to change their form of government, to look more closely at appointing an employee to assist the mayor with overseeing the daily functions of the municipal executive branch. The municipal administrator, or the administrative assistant to the mayor, as the position is sometimes called, is usually an officer of the municipality, who performs whatever functions are assigned to him or her by the council ordinance creating the position. The administrator, while given a great deal of discretion in the performance of his or her duties, is subject to the daily supervision of the chief executive officer of the municipality.

The administrator is usually a person with a great deal of experience or training in the operation of municipal government. He or she is knowledgeable about the laws and regulations governing the municipality and has a working knowledge of how to interpret and apply them.

What is the difference between a manager appointed pursuant to the Code of Alabama and an administrator? The duties of an administrator are established by the municipality, often in the ordinance creating the position, and they do not have to mimic the powers enumerated in Section 11-43-21. The extent of the administrator's powers varies from place to place in line

with local needs, traditions and experience. However, in most cases the reason for hiring an administrator is the same in all places: the desire to have a centralized person, who is familiar not only with local needs but with national trends and ideas, to supervise municipal functions. This person's job is not to usurp the mayor's powers, but to enhance them. The administrator can advise the mayor and the council on municipal needs and keep them informed on the implementation of municipal projects.

The administrator can also help depoliticize city or town hall. The mayor and council are sometimes forced to resolve highly polarizing political conflicts. While the administrator must keep his or her employer happy to stay employed, he or she can help resolve opposing political desires by providing an objective source to whom the mayor and council can look to for advice. A sample ordinance creating the position of administrator accompanies this article.

Conclusion

Each municipality must determine for itself whether a manager or administrator is needed. After all, a form of government that works for one municipality may fail in another. The important feature of all successful municipalities appears to be the cooperation among officers and employees. This article, thus, should not be read as an endorsement or a condemnation of any of the options, or of the endorsement of hiring a manager at all. What is clear is that, as municipal government becomes more and more diverse and complex, municipalities must be aware of the options available to make government work better and more efficiently.

Secs. 2-75—2-80. Reserved.

DIVISION 3. CITY ADMINISTRATOR

Sec. 2-81. Office created.

There is hereby created the office of city administrator.

Sec. 2-82. Purpose of office.

The purpose of the office of the city administrator is to provide the centralization of the administrative responsibilities of the city.

Sec. 2-83. Appointment.

The city administrator shall be appointed by the mayor by and with the consent of a majority of the city council.

Sec. 2-84. Duties—Generally.

The city administrator shall be the administrative head of the city government under the direction and control of the mayor and city council and shall be responsible to the mayor and city council for the efficient conduct of his office.

Sec. 2-85. Same—Enumerated.

The duties of the city administrator shall be as follows:

- (1) He shall make and keep up to date an inventory of all property, real and personal, owned by the city.
- (2) He shall act as purchasing agent for the purchase of all supplies, goods, wares and merchandise, equipment and material which may be required for the various departments, divisions or services of the city.
- (3) He shall keep the mayor and council fully advised as to the financial condition and needs of the city and shall be responsible for and prepare the annual estimate of expenditures for presentation to the mayor and council prior to the passage of the annual appropriation ordinance.

- (4) To serve as public relations officer of the city government, and in such capacity to endeavor to investigate and adjust all complaints filed against any employee, department, division or service thereof and cooperate with all community organizations whose aim and purpose is to advance the best interests of the city and its people and to attend meetings of such organizations if in the judgment of the administrator such attendance is necessary and desirable.
- (5) To attend all meetings of the council with the duty of reporting any matter concerning city affairs under his supervision or direction and to attend such other meetings of the city departments and officials as his duties may require.
- (6) To analyze the functions, duties and activities of the various departments, divisions and services of the city government and of all employees thereof, and to make his recommendations regarding same to the mayor and council.
- (7) To carry out the mayor and council's recommendations in coordinating the administrative functions and operations of the various departments.
- (8) To procure facts and submit long-range improvements to the mayor and council.
- (9) Recommend to the mayor and council the appointment and dismissal of all department heads over which he exercises jurisdiction. Appointment or dismissal of department heads will be made upon the recommendation of the mayor and confirmation by the council. The city administrator may appoint and dismiss all subordinate employees of the city, as well as provide for the transfer of such employees from one department to another except those employees covered under the civil service act of the state.
- (10) The city administrator shall have the duty and the right to investigate and make recommendations to the mayor and city council regarding duties and activities of any employee of the city covered under the civil

- service act of the state and recommend to the mayor and council the promotion, demotion, suspension, transfer or discharge of such employees.
- (11) Administer and be responsible for all departments and divisions of the city government, which are under the mayor and council's direction, including the board of public works and any public utilities hereafter acquired by the city and including fire and police departments, except insofar as such jurisdiction and administration conflicts with the civil service law pertaining to such fire and police departments. The office of the city attorney and city physician, shall not come under the administration and responsibility of the city administrator, said administrator, however, to be available to assist these offices in any administrative matter that may arise and those officers in turn shall be available to assist the city administrator in the discharge of his duties.
 - (12) Recommend to the mayor and council for adoption such measures and ordinances as are deemed necessary or expedient.
 - (13) Prepare and recommend to the mayor and council a classification and compensation plan.
 - (14) Make investigations into the affairs of the city and any department or division thereof, and any contract, or the proper performance of any obligation running to the city.
 - (15) Exercise general supervision over all public buildings, streets and other public property which are under the control and jurisdiction of the mayor and council.
 - (16) Prepare and submit to the mayor and council as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year.
 - (17) Keep the insurable property of the city appropriately insured.

- (18) Serve in any appointed office or head of department within the city government if the need arises and when appointed thereto by the mayor and council and to hold and perform the duties thereof at the pleasure of the mayor and council.
- (19) The city administrator shall have the duty to keep open his office for public affairs during days and hours set by the mayor and council.
- (20) Perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinances or resolutions of the mayor and council.

Sec. 2-86. Authority to enter into contracts.

The city administrator, in the discharge of his duties, shall have the right to expend an amount not to exceed the limits set forth in the applicable state law pertaining to cities of the first class entering into contracts for municipal work and improvements or purchase of equipment without advertising for bids and within said dollar limitation to make any contract on behalf of the city for general purchases, maintenances and improvements, the expenditure limitation herein to apply to all departments of the city.

Sec. 2-87. Removal.

The city administrator may be removed by a vote of a majority of all the members of the council with the approval of the mayor.

Secs. 2-88—2-93. Reserved.

DIVISION 4. CLERK*

Sec. 2-94. Duties generally.

The city clerk shall attend the meetings of the council and keep a record of its proceedings in the minute book, which

*State law references—The clerk, Code of Ala., Tit. 37, § 421 et seq.; election, Code of Ala., Tit. 37, § 406.

DIVISION 2. - CITY MANAGER

Sec. 2-111. - Office created.

There is hereby created the office of the city manager.

(Code 1996, § 2-21; Ord. No. 20, § 1)

State Law reference— Creation of the office of city manager, Code of Ala. 1975, § 11-43-20.

Sec. 2-112. - Appointment and removal; acting city manager.

- (a) The city manager shall be appointed by the governing body. The term "governing body" shall be interpreted to include the mayor and the city council. The city manager may be removed by vote of two-thirds of the members of the governing body, following written notice of 60 days.
- (b) During the absence or disability of the city manager, the governing body may designate some properly qualified person to perform the duties of the office of city manager.

(Code 1996, § 2-22; Ord. No. 20, § 2)

State Law reference— Appointment, removal, absence or disability of city manager, Code of Ala. 1975, §§ 11-43-20, 11-43-21.

Sec. 2-113. - Powers and duties.

- (a) The city manager shall be the administrative head of the municipal government. As such, it shall be the duty of the city manager to see that all ordinances are enforced. It shall be his duty also to assume complete responsibility for directing the executive departments of the city, within the limits set by the law.
- (b) Subject to the limitations imposed by law, the city manager shall have the power to appoint and remove all city employees and appointees.
- (c) The city manager shall have the right and the duty to attend all meetings of the governing body, and he shall have the right to take part in the discussions of such body, but without vote. The city manager shall be entitled to notice of all meetings, regular and special, of the governing body. He shall recommend to the governing body for adoption such measures as he may deem necessary or expedient.
- (d) It shall be the duty of the city manager to make and execute all lawful contracts on behalf of the city as to matters within his jurisdiction, and to take care that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed.

Pursuant to these ends, he shall call to the attention of the governing body all violations of contracts or franchises.

- (e) The city manager shall act as the business manager for the city, under the direction of the governing body. He shall have supervision over all city property, and shall have charge of or supervision over the accounting work of the city.
- (f) The city manager shall be the purchasing agent for the city, and shall approve all vouchers in payment of city purchases; provided, that all purchases involving the expenditure of more than \$100.00 in one transaction or for one purpose shall be first authorized or approved by the governing body. All purchases shall be subject to the limitations imposed by the city's budget.
- (g) The city manager shall present to the governing body monthly reports covering the work of each department for which he is responsible, together with such other special reports as may be required. At the end of the fiscal year the city manager shall prepare and present to the governing body a written annual report summarizing the work of each department and including a statement of the financial condition of the city, with recommendations for the ensuing year and for subsequent years.
- (h) Each month the city manager shall prepare and present to the governing body a statement showing the exact financial condition of the city as of the end of the preceding month, including a statement of current assets and liabilities and a summarized statement of income and expenditures, detailed as to funds and departments.
- (i) The city manager shall prepare and present to the governing body at the end of each fiscal year a budget estimate of income and expenditures for the ensuing year, for the consideration of the governing body.
- (j) The city manager shall prepare and issue orders requiring any person, firm or corporation who holds a franchise for the operation of a cable television system within the city to comply with the terms of his or its franchise agreement and Federal Communication Commission's Regulations, 47 CFR 76, whenever such person, firm or corporation has not complied with the terms of such franchise agreement or regulations.
- (k) The city manager shall recommend to the council for adoption such measures as he may deem necessary or expedient.
- (l) The city manager shall see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon the knowledge of any violation thereof, to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same.
- (m) The city manager shall fix all salaries and compensations of municipal employees lawfully employed by him, subject, however, to supervision, approval or disapproval of the city council.
- (n)

The city manager shall perform the duties of the city clerk without additional compensation, when so directed by resolution of the city council, and when so acting he shall be charged with all of the duties, powers, responsibilities and penalties of the city clerk. When so acting his official acts may be in his name as city manager.

(Code 1996, § 2-25; Ord. No. 20, § 5; Ord. No. 209; Ord. No. 1175, 10-24-1994)

State Law reference— Powers and duties of city manager generally, Code of Ala. 1975, § 11-43-21.

Sec. 2-114. - Other powers and duties.

The city manager shall exercise such other powers and shall perform such other duties as may be prescribed by law or by ordinance or resolution of the governing body.

(Code 1996, § 2-26; Ord. No. 20, § 6)

Secs. 2-115—2-141. - Reserved.