

CITY OF NEWPORT

Resolution No. 3626

CITY OF NEWPORT RESOLUTION ESTABLISHING A PROCESS FOR CITY COUNCIL AFFIRMATION OF CITY MANAGER'S SETTLEMENT AUTHORITY

WHEREAS, the settlement of litigation matters may at times call for the expenditure of City funds; and

WHEREAS, the Newport Charter, Chapter VIII, Section 34, expressly reserves to the City Manager or designee the sole authority to appoint, supervise, and remove city employees and further expressly prohibits Council members from attempting to coerce the Manager regarding such authority; and

WHEREAS, the Newport Charter, Chapter VIII, Section 34, expressly reserves to the City Manager or designee the sole authority to prepare and administer the annual city budget and to administer city property; and

WHEREAS, the City Council deems it necessary and proper and in the public interest to provide further direction to the City Manager regarding the city's process for the settlement of litigation matters, including the establishment of a City Council affirmation procedure for litigation settlement agreements;

The City of Newport resolves as follows:

Section 1. Supervisory Authority.

- 1.1 The City Manager retains the sole authority to administer and settle all employee matters involving the appointment, supervision or removal of employees, specifically including but not limited to the resolution or settlement of employment disputes, claims, litigation, or severance agreements, subject only to the conditions in this Resolution. Nothing in this Resolution is intended to alter the City Manager's sole authority to appoint, supervise, or remove employees.

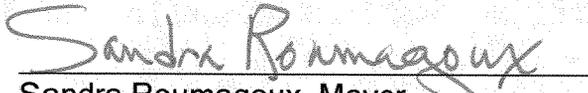
Section 2. Settlement Authority

- 2.1 For any litigation settlement agreements involving the expenditure of city funds under \$25,000, including agreements related to former city employees, the City Manager shall provide an oral report to the City Council in an executive session called under ORS 192.660(2)(b), ORS 192.660(2)(f), or ORS 192.660(2)(h), whichever is applicable. No City Council pre-approval or affirmation is required prior to signing or negotiating such agreements.

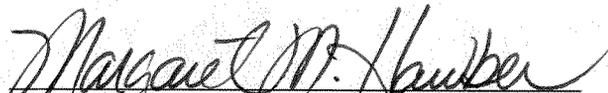
- 2.2 For any litigation settlement agreements involving the estimated expenditure of city funds over \$25,000, including agreements related to former city employees, the City Manager shall provide an oral report to the City Council in an executive session called under ORS 192.660(2)(h). The City Manager shall first obtain City Council affirmation of the material terms of the agreement prior to signing. An attorney representing the city in the litigation settlement shall be present. The City Manager's report shall include a "not to exceed" city expenditure limit. The City Council affirmation is not a final decision and shall require a recorded, informal consensus. The City Council shall publicly confirm its affirmation after the agreement is signed.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED BY THE CITY OF NEWPORT ON May 20, 2013.

  
Sandra Roumagoux, Mayor

ATTEST:

  
Margaret M. Hawker, City Recorder