

COMPARED VERSION
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 251026

Amending Chapter 2, Code of Ordinances, “Administration,” by repealing and replacing Section 2-89 for the purpose of clarifying authority over employees in the administrative service and reauthorizing and amending the City Manager’s authority to enter into severance agreements with unclassified employees.

WHEREAS, Section 218 of the City’s Charter establishes the City Manager as the Chief Administrative Office of the City; and

WHEREAS, Section 220(a)(1) of the City’s Charter includes “supervise the administration of the affairs of the City” in its authority and duties of the City Manager; and

WHEREAS, in Resolution No. 961329, the City Council affirmed its commitment to the city manager form of government and Council’s responsibility, acting as a whole, to setting policy and priorities of the City; and

WHEREAS, the Red Flag Commission (“the Commission”), commissioned in 1996 in response to charges of corruption involving elected officials, reiterated that the role of Council is legislative and policy making duties for the City and stated that the Council must not inappropriately direct City staff; and

WHEREAS, the Commission also included in its report a recommendation that the City Manager should help clarify structure for enforcement of proper contact between Council and employees; and

WHEREAS, the City Manager recommends that the City Council codify its commitment to recognizing the City Manager’s authority over administrative affairs specifically related to the employment and removal of City staff and Council’s communications with City staff; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances, “Administration” is amended by repealing and replacing Section 2-89 to read as follows:

Sec. 2-89. Administration of Employees.

(a) *Interaction between council members and staff.* Except as authorized by the charter, neither the council nor any city council member shall give orders or directives to any of the subordinates of the city manager in the departments of administrative service, either publicly or privately. Any orders or directives shall be addressed to the City Manager. This provision is not

intended to prevent the council or any city council member from making direct inquiry or requests for information that is already consistent with a department's work program or normal work process from the City Manager's subordinates

(b) *Authority for Employment Decisions.* The city manager is solely responsible for all decisions regarding employees and officers of the administrative service. Neither the council nor any of its committees or members shall dictate or attempt to dictate any person's appointment to, or removal from, office or employment by the city manager or any of the city manager's subordinates, or in any manner interfere in the appointment of officers and employees in the departments of administrative service.

(c) *Authority for Severance Agreements.* The city manager is authorized to execute severance agreements with the employees in the unclassified service who have been appointed by the city manager and who have been employed with the city for one or more continuous years of service. Such severance agreements may include payment up to an amount equal to the employee's annual base salary and other benefits to be provided upon the employee's departure from the city. Such agreement shall include a release and waiver of any claims against the city, its employees, officers, and agents by the departing employee. Any employee entering into such an agreement shall not be eligible for rehire at the City for a period of at least five years. Employees who retire or are terminated for cause shall not be eligible for severance pay or benefits under this provision. This section shall not be interpreted to create any third-party rights.

Approved as to form:

Katherine Chandler
Senior Associate City Attorney