



CITY OF ANTHONY ORDINANCE NO.2019- 002 (AMENDED)

AN ORDINANCE OF THE CITY OF ANTHONY TO PROVIDE FOR THE HIRING OF A CITY MANAGER

WHEREAS, the City of Anthony has a population in excess of 1000 persons;

WHEREAS, NMSA 1978, section 3-13-3 provides that the governing body of any municipality having a population of 1000 or more persons may provide for a manager by ordinance, and

WHEREAS, the office of manager shall carry the same qualifications, duties, and responsibilities as provided for a manager under NMSA 1978, sections 3-14-13 through 3-14-15.

NOW, THEREFORE, BE IT ordained by the Governing Body of the City of Anthony, NM that:

1. **Manager; employment; qualifications.** The Manager shall be the Chief Administrative Officer for the City of Anthony. He or she shall be employed under yearly contract until resignation or termination by the Governing Body. The Manager shall be appointed solely on the basis of administrative qualifications and the selection shall not be limited by the reason of former residence.
2. **Duties:**
 - A. The Manager shall:
 - i. Enforce and carry out all ordinances, rules, and regulations enacted by the City Board of Trustees;
 - ii. Employ and discharge all persons employed by the City and shall follow the procedure of the Employee Handbook, except those employees of Municipal Court.
 - iii. Prepare and submit an annual budget;
 - iv. Make recommendations to the Governing Body on all matters concerning the welfare of the City of Anthony.
 - B. The Manager shall have a seat, but no vote, at every meeting of the Governing Body. Except when clearly undesirable or unnecessary, the Governing Body shall request the opinion of the Manager on any proposed measure.
3. **Departments.** The administration of the affairs of the City of Anthony shall be divided into as many departments as may be deemed desirable by the Governing Body. Each department shall be under the charge of a person employed by the Manager.
4. **Hiring.** Advertisement for the position of Manager will be placed at the direction of the Governing Body in a publication for a minimum period of two weeks. An Interview

Committee including, Mayor, one Department Head, two Board of Trustees, a community member and or City Manager from another Municipality shall review the applications and interview the applicants. After the Interview Committee has interviewed qualified applicant(s). The Mayor shall recommend a suitable candidate to the Board of Trustees for approval. Subsequently, the Governing Body must approve a choice by majority vote before employment is offered.

In the event the applicant pool is insufficient in qualifications, or if the Mayor and Board of Trustees cannot come to consensus on a candidate's suitability, the position shall be advertised again.

5. Appointment of Interim City Manager for vacant position

An interim City Manager shall be appointed by the Mayor with the advice and consent of the governing body. The appointment of the interim City Manager shall be discussed in closed session by the Governing Body for consideration and action in open session. The Trustees may suggest and recommend individuals to Mayor for the interim position. Consideration of the appointment by the Governing Body shall take place at the next regular meeting of the Governing Body following notice of termination without good cause or notice of resignation by the City Manager. In the event of termination for cause, death or incapacity the appointment of the interim City Manager shall be considered by the governing body as soon as practicable.

6. Compensation and Contract. The Manager will be compensated based on the contractual agreement entered into by the Governing Body and the City Manager. The contractual agreement shall be "At Will" and considered exempt under the Fair Labor and Standards Act. In addition to the terms and obligations contained in the contract, the Manager shall be subject to the Job Description to be created by the Governing Body for approval.

7. Relationship with the Mayor and Board of Trustees. The Manager shall be responsible and accountable to the Mayor and Board of Trustee for the efficient administration of the departments of city government. All directives to the City Manager from any member of the Governing Body must be written to the City Clerk/HR Liaison to be place on the agenda as an action item to be voted by the Governing Body at a board meeting. Individual requests for information from any member of the Governing Body shall be written to the City Manager, so that it may be addressed by the City Manager.

8. Disciplinary action of City Manager

Any disciplinary action by the Mayor shall be brought to the Governing Body at the next regular board meeting for consideration and action to either affirm or reverse the action.

9. Appointment and dismissal of employees. The City Manager shall have the authority to appoint, discipline, or dismiss any employee provided such action is in compliance with the City's personnel rules and regulations, ordinances, resolutions, and all City policies.

10. Effective date. This Ordinance shall become effective five days after being adopted, approved, and posted.

11. **Conflict with state law.** In the event there is a conflict with state law and the provisions of this Ordinance or Exhibit "A," state law shall control.

BE IT FURTHER ORDAINED THAT SEVERABILITY OF ANY SECTION OR SUBSECTION OF THIS ORDINANCE SHALL BE INVALID

PASSED, APPROVED, AND ADOPTED THIS 21ST DAY OF OCTOBER 2020.

ATTEST:



Esther Motongo, City Clerk


Diana M. Trujillo, Mayor

ROLL CALL VOTE:

Mayor Pro Tem Fernando Herrera

☒ YES

NO

Trustee Gloria Gameros

☒ YES

NO

Trustee Elva Flores

☒ YES

NO

Trustee Javier Silva

☒ YES

NO