

**CITY OF  
POLSON  
RESOLUTION  
No. 2019-007  
Amending  
Resolution No.  
2019-002 which  
AMENDED RESOLUTION NO. 974**

**A RESOLUTION TO DEFINE PROCEDURE FOR FILLING OPEN CITY MANAGER POSTION.**

**WHEREAS**, the City Commission of the City of Polson, under the Charter approved by the voters, is required to hire a City manager; and

**WHEREAS**, THE Commission recognizes that there will be occasions when a vacancy in the office of City Manager will occur, upon a death, resignation, separation, or illness of a permanent City Manager appointed and contracted pursuant to Chapter 2.03.200 of the Polson Municipal Code; and

**WHEREAS**, the Commission desires hereby to set and establish a policy and procedure to implement in the case of such vacancy in order to appoint and contract a City Manager pursuant to Chapter 2.03.200 of the Polson Municipal Code. This policy as set forth below shall only become effective in the event an existing City employee applicant is not selected and employed for the position of City Manager pursuant to the provisions set forth in the City Personnel Handbook.

**WHEREAS**, the Commission desires hereby also to set and establish a policy regarding the means and manner by which the said office of City Manager may be filled on an interim, acting basis in conformance with the will of the voters, until such time as the office may be filled pursuant to Chapter 2.03.200 of the Municipal Codes.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, LAKE COUNTY:**

SECTION 1. Definitions:

City Manager. The City Manager is the person appointed and contracted pursuant to the Charter and Chapter 2.03.200 of the Polson Municipal Codes.

Acting City Manager. The Acting City Manager is the person appointed by the Council pursuant to this Resolution to fill the office until such time as a City Manager is appointed and contracted; possessed, however, of

all powers and obligations usually pertaining to the office of the City Manager pursuant to the Charter and as the Council may have from time to time prescribed in a lawful manner.

Vacancy in Office of City Manager: A vacancy in the office of City Manager is created upon that person's death, resignation, dismissal, or in the event of an illness incapacitating the City Manager such that he or she is unable to perform the duties appointed and contracted.

SECTION 2. The Commission shall, upon discovery of an existing or anticipated vacancy in the office of the City Manager that has not been filled by an existing City employee, shall undertake to solicit letters of interest from any resident electors residing within the corporate limits of the City of Polson for the position of Acting City Manager. NO person currently holding elected office of any kind shall be eligible, nor shall any person for whom accepting the position will result in an incompatibility of office.

SECTION 3. The Commission, upon discovery of an existing or anticipated vacancy in the office of City Manager, which will not be filled by the employment of an existing City employee, shall undertake to employ a professional recruitment firm for the purpose of conducting a search for qualified candidates to apply for the position. Said firm shall communicate with the Search Committee unless requested by the Commission to report directly to the Commission.

SECTION 4. The Commission, upon discovery of an existing or anticipated vacancy in the office of the City Manager, shall also undertake to solicit persons interested in serving on a City Manager search committee.

The Search Committee shall be a non-permanent, advisory body to the Commission, and shall consist of five or seven City of Polson resident electors, excluding therefrom any members of the Commission and regular, full time employees of the City of Polson. City employees may, however, be appointed to assist the Committee in an advisory or administrative capacity. The Commission may appoint up to one non-resident elector who practices professionally, owns property or owns a business within the city. The Commission shall so manage the solicitation of letters of interest as to make an appointment of the Search Committee as soon as practicable when the vacancy is known to exist. The appointment to the Search Committee by the Commission shall be by nomination by slate, and the appointment members thereof to serve on such terms as the Commission deems fit in the circumstances.

SECTION 5. the Search Committee shall adopt such officers, rules and procedures as it deems necessary to carry out its function, however with due attention to the laws of public participation.

SECTION 6. The Search Committee is to be instructed in the following guidance: That the Committee communicate directly with the recruitment firm employed by the Commission for the purpose of evaluating, interviewing and

recommending a candidate for the position of City Manager to the Commission.

SECTION 7. Bearing in mind that the Charter specifies as the sole and single qualification of City Manager that of "merit," the Search Committee is at liberty to work with the recruitment firm to define the same to the extent necessary to carry out its function in advising the Commission.

SECTION 8. At the time and place stated in the solicitation therefore Commission shall take up the question of appointment of an Acting City Manager by nomination from among those who have expressed an interest. However, the Commission is not bound to accept an Acting City Manager only from among those who have expressed an interest and may petition particular individuals, as it sees fit.

SECTION 9. A simple majority of the quorum of members present and voting shall be sufficient for decision and appointment, on such terms and conditions as the Council and the appointed person shall then determine, excepting, that the Acting City Manager shall be considered to be on service in a fee for service, not employment, contract. The Commission shall use as its guide that the Charter specifies merit as the single qualification for office.

SECTION 10. The appointment by the Commission of an Acting City Manager must take place within 30 days of the vacancy in office of the City Manager, and such appointment may remain in effect only until the employment and qualification of the City Manager, but in no case in excess of ninety days unless specifically extended or renewed by the Commission.

SECTION 11. Upon appointment and contracting with a City Manager, the functions of the Acting City Manager and of the Search Committee shall be at an end, and of no further force, effect, or authority.

SECTION 12. All Resolutions or parts of resolutions in conflict herewith are hereby amended to the extent of any such conflict.

PASSED AND APPROVED this 19 day of August, 2019.

City of Polson

ATTEST: \_\_\_\_\_

Cora E. Pritt, City Clerk

\_\_\_\_\_

Paul Briney, Mayor

STATE OF MONTANA )

:ss.

County of Lake )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public for the State of Montana personally appeared \_\_\_\_\_ and \_\_\_\_\_ personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledge to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year in the certificate first above written.

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_