

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	December 20, 2021
Action Required:	Award of Contract by Adoption of Resolution, (1 Reading)
Presenter:	Lisa Robertson, City Attorney
Staff Contacts:	Ashley Marshall, Deputy City Manager; Sam Sanders, Deputy City Manager; Lisa Robertson, City Attorney
Title:	Consideration of the Award of a Contract for City Manager Services

Background:

With City Council’s permission, staff recently issued a procurement solicitation, seeking proposals from firms interested in contracting with the City to perform the functions of a City Manager. Proposals received in response to the RFP will be reviewed by City Council and staff within a closed meeting of City Council on December 20, 2021.

Although the more common method of engaging a City Manager is to hire an individual as an employee, with a payroll-processed salary and benefits, on occasion local governing bodies in Virginia have elected to engage a chief executive/ administrative officer (aka “city manager” or “county administrator”) by hiring a firm/ business entity to provide those services as an independent contractor. The City of Petersburg used that method some years ago, and in the Summer of 2021 Matthews County, Virginia engaged a firm to provide interim county administrator services. In Virginia, municipalities are prima facie regarded as being the sole judges of the necessity and reasonableness of the method by which a particular governmental function will be carried out.

In October, City Council’s plan was to engage an Interim City Manager for a period of five to six months, and to begin an executive search process for a permanent City Manager in the second quarter of 2022. It is staff’s understanding and experience that a search process that would include robust community engagement would take from two to six months from start to finish (i.e., a start-work date for a permanent city manager). Any contract with a firm can be structured in a manner that accommodates that same time table.

Discussion:

In February 2021 City Council appointed a City Manager as a City employee, with the intention that, once the City government could be stabilized, a competitive selection would be undertaken with a process that would include public engagement. That individual was the fifth individual employed as City Manager, or “Interim” City Manager, since 2017. That individual resigned in October 2021, and City Council then appointed an Interim City Manager and arranged for the individual to commence employment on December 1, 2021. Shortly prior to December 1, 2021 that individual withdrew, and the City currently remains without a City Manager. The functions of a City Manager include the activities listed in Virginia Code §15.2-1451. All of these activities can be undertaken by personnel of an independent contractor, pursuant to provisions set forth within a contract for services authorized by City Council. So long as the functions set forth in Virginia Code §15.2-1451 are carried out, the services for performing those functions may be provided

either by an employee or by personnel of an independent contractor firm.

A contract with a firm will allow City Council to continue the process of stabilizing the City government in the short term, with the assistance of experienced professionals who might not otherwise be interested in becoming a City employee, and with the continued work and support of the Deputy City Managers who are currently covering activities listed in Virginia Code §15.2-1541. A contract will also allow City Council to attract experienced professionals on a short-term basis, without the financial commitments associated with establishing an employment relationship with an individual, and an opportunity to demonstrate a stabilized organization prior to commencing an executive recruitment for a permanent city manager with all of the education, skills and experience necessary to lead the City organization.

Budgetary Impact: the RFP instructs offerors to include information about the price at which their services would be offered, as part of their proposals. In advance of the City's execution of any contract, the City's Finance Director would be required to verify that funding is available within the amounts appropriated for spending with the FY 22 budget.

Alternatives: (1) City Council may award a contract, by adopting the attached Resolution, or (2) City Council may cancel the RFP, or reject any or all proposals received in response to the RFP.

Recommendation: Staff recommends that City Council should select the offeror which, in its opinion, has made the best proposal and provides the best overall combination of quality, price, and various elements of city manager services that in total are optimal relative to the City's needs for an Interim City Manager. Alternatively, City Council could cancel the RFP and/or reject any or all proposals received, and hire an individual recruited directly by councilors as a temporary, short-term employee.

Attachment(1):

- Form Resolution

**RESOLUTION
TO AWARD A CONTRACT
FOR CITY MANAGER SERVICES**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE,
VIRGINIA that a contract is hereby awarded to the firm of _____
("Successful Offeror") to provide City Manager services, this City Council having determined
that the firm made the best proposal and offers the best overall combination of quality, price, and
various elements of the required services that, in total, are optimal to the City's needs for an
interim city manager. Notice of award shall be posted in accordance with procurement
requirements.

The City Attorney shall prepare a contract for execution by the Mayor and the Successful
Offeror.