REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 19, 2024

Agenda Item: 3B	Prepared by: Chris Noury, City Attorney
Agenda Section: Business: Resolution	Date: September 18, 2024
Subject: Resolution B	Division: Legal

Resolution:

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH TO PLACE THE CITY MANAGER ON ADMINISTRATIVE LEAVE WITH PAY PENDING A FINAL DECISION OF CITY COUNCIL TO REMOVE THE CITY MANAGER PURSUANT TO THE REQUIREMENTS OF SECTION 5-13-70 OF THE CODE OF LAWS OF SOUTH CAROLINA AND TO NAME ASSISTANT CITY MANAGER RYAN FABBRI AS THE ACTING CITY MANAGER DURING THE ADMINISTRATIVE LEAVE TIME FRAME.

Recommended Action:
Adoption of the Resolution

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:
Motion By_____ 2nd By_____ To_____

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH TO PLACE THE CITY MANAGER ON ADMINISTRATIVE LEAVE WITH PAY PENDING A FINAL DECISION OF CITY COUNCIL TO REMOVE THE CITY MANAGER PURSUANT TO THE REQUIREMENTS OF SECTION 5-13-70 OF THE CODE OF LAWS OF SOUTH CAROLINA AND TO NAME ASSISTANT CITY MANAGER RYAN FABBRI AS THE ACTING CITY MANAGER DURING THE ADMINISTRATIVE LEAVE TIME FRAME.

WHEREAS, the City Manager is being provided with a copy of the Notice of Removal of the City Manager along with a written statement containing the specific reason(s) for the removal, both of which have been formally approved at a properly called meeting of the City Council; and

WHEREAS, Section 5-13-70 allows the City Manager to request a public hearing within five (5) days after the Notice of Removal is delivered to the City Manager; and

WHEREAS, in the event the City Manager requests a public hearing within the time frame authorized in Section 5-13-70, City Council shall schedule and hold a public hearing at a City Council meeting that is not earlier than twenty (20) days nor later than thirty (30) days after such a request has been made by the City Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH:

Section 1: City Manager Mike Mahaney shall be placed on administrative leave with pay pending a final decision of City Council to remove the City Manager pursuant to Section 5-13-70.

Section 2: Immediately upon being placed on paid administrative leave by City Council, City Manager Mike Mahaney is relieved of his duties and his obligation to report for work, and he is not to perform any duties on behalf of the City of North Myrtle Beach unless specifically directed to do so in writing by the Mayor of the City of North Myrtle Beach, who is authorized by City Council to so act in the event of extraordinary circumstances as determined by the Mayor.

Section 3: Immediately upon being placed on paid administrative leave, City Manager Mike Mahaney shall relinquish all keys and shall not access, directly or indirectly, his office, the City's computer system, or the City's offices and facilities -- unless he has personal business (unrelated to the City Manager position or his employment) to transact at the City's offices and facilities in his capacity as a resident of the City of North Myrtle Beach.

Section 4: Immediately upon being placed on paid administrative leave, City Manager Mike Mahaney shall have no contact, directly or indirectly, with any employee of the City regarding any matter pertaining in any way to the City Manager position or his (Mike Mahaney's) employment.

Should City Manager Mike Mahaney feel compelled to speak with or communicate, directly or indirectly, with any City employee regarding any matter pertaining in any way to the City Manager position or his employment, City Manager Mike Mahaney must request permission to do so from the Mayor of the City of North Myrtle Beach, and must specify in writing all reasons for wanting to speak with or communicate, directly or indirectly, with any employee of the City, and must be granted permission to do so in writing by the Mayor of the City of North Myrtle Beach who is authorized by City Council to so act at the discretion of the Mayor.

Section 5: Assistant City Manager Ryan Fabbri shall serve as acting City Manager during the time frame that the City Manager is on administrative leave.

Section 6: This Resolution shall be effective immediately at the time of passage.

RESOLVED THIS NINETEENTH DAY OF SEPTEMBER 2024.

Yes	No	Abstain	Not Present	Councilmember	Signature
☐	☐	☐	☐	Marilyn Hatley, Mayor	_____
☐	☐	☐	☐	JO Baldwin, Mayor Pro Tem	_____
☐	☐	☐	☐	Clarence 'Bubba' Collins	_____
☐	☐	☐	☐	Jon 'Fred' Coyne	_____
☐	☐	☐	☐	Nicole 'Nikki' Fontana	_____
☐	☐	☐	☐	Ray 'Trey' Skidmore	_____
☐	☐	☐	☐	Harry 'Hank' Thomas	_____

ATTEST:

_____
Allison K. Galbreath, City Clerk

Resolution: RES 24-09