

## ORDINANCE Nº 10-76

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN CODE BY AMENDING TOWN CODE § 30.001 FORM OF GOVERNMENT AND TOWN CODE § 30.030 TOWN MANAGER, RELATED TO THE DUTIES AND AUTHORITIES OF THE TOWN MANAGER; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

**Whereas**, in the Council/Manager form of government, the Town Manager's role is critical to the effective governance of the Town;

**Whereas**, the provisions for defining the responsibility and authority of the Town Manager is necessary for the administrative operations of the Town;

**Whereas**, the Mayor and Council desire to amend the role of the Town Manager position; and

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

1. Amendment of Town Code. No portion of the Town Code is amended hereby, except as follows.

### § 30.001 FORM OF GOVERNMENT.

(A) *Form*. The Town of Dewey-Humboldt municipal government operates under a council-manager form of government as established by the this town ordinance.

(B) *Roles*. Under this form of government, the Council provides legislative ~~direction~~ directives, sets town policy per 30.015 (B) and monitors its execution by town staff. The Town Manager serves as the town's chief administrative officer and is responsible for directing the day-to-day administrative operations of the town.

~~(C) *Authority*. The key provisions that outline Dewey-Humboldt's council-manager form of government are found in the town ordinance.~~

~~(D) *Mutual exclusivity*. Town staff shall not interfere with the administration of the Town Council's or Mayor's duties. Neither the Town Council nor any of its members shall interfere with the administration of the town staff's duties or give orders to the subordinates of either the Town Manager or Town Attorney.~~

### § 30.030 TOWN MANAGER.

The town hereby identifies the following as the authority and duties and ~~powers~~ of the Town Manager:

(A) *Office created*. The Office of the Town Manager ~~of the town~~ is created and established by this ordinance. The Town Manager shall be appointed by the Council ~~wholly~~ on the basis of his or her administrative and executive ability and qualifications, and ~~knowledge of accepted practice in respect to the duties of the office.~~

~~(B) Eligibility.~~ Residence in the town, at the time of appointment, shall not be required as a condition thereof. No person elected to membership on the Council shall, subsequent to the election, be eligible for appointment as Town Manager, until one year has elapsed after he or she has ceased to be a member of the Council.

(C) *Bond.* The Town Manager shall furnish a corporate surety bond to be approved by the Council in a sum as may be determined by the Council, and shall be conditioned upon the faithful performance of the duties imposed upon the Town Manager as herein prescribed. The cost of the bond will be paid ~~reimbursed~~ by the town.

(D) *Compensation Package.*

1. The Manager shall receive compensation as determined by ~~as the~~ Town Council. ~~The Council shall from time to time examine at the salary range to determine if an adjustment should be made, and fix by ordinance, resolution or motion, and the compensation shall be a proper charge against such funds of the town as the Council shall designate.~~

2. Health and Retirement Benefits are the same as for all salaried Town Employees.

3. ~~2.~~ The Town Manager shall be reimbursed for all sums necessarily incurred or spent in the performance of duties, or incurred when traveling on business pertaining to the town under direction of the Council. ~~reimbursement shall only be made, however, when a verified itemized claim, with receipts and/or invoices attached thereto, setting forth the sums expended for which reimbursement is requested, has been presented, approved and allowed by the Council.~~ Reimbursement will be made in accordance with Administrative Rule 10-04.

(E) *Removal from office.* The Town Manager may be removed, with or without cause by the Town Council, by simple majority vote of its members.

(F) *Absence.* ~~The Town Clerk will~~ To perform the duties of Town Manager during the temporary absence or disability of the permanent Town Manager unless otherwise specified by the Town Manager. ~~the Town Manager may designate by letter, filed with the Clerk, a qualified administrative officer of the town to be chosen from current employees thereof. In the event of failure of the Town Manager to make such designation the Council may, by resolution, appoint an officer of the town to perform the duties of the Manager until the Manager shall have returned or his or her disability shall have ceased.~~

(G) *Authority, Powers and Duties, and Responsibilities.* The Town Manager shall be the Chief Administrative Officer of the town government and shall be responsible to the Council for the proper administration of all affairs of the town under the specific direction and control of the Council. ~~In addition to The general responsibilities powers as the Chief Administrative Officer, it shall be the Manager's responsibility and duty as are set forth as follows: in the following divisions:~~

(1) Coordinate and execute on behalf of the Mayor and Town Council general administrative administration and supervision and control of the affairs of the town employees staff, and enforce implement the policies set by Council by motions, the ordinances, resolutions and codes of the town;

~~(2) (8)~~ Analyze and supervise the functions, duties and activities of the various departments, boards and services of the Town government and of all employees thereof, and make such

recommendations to the Town Council with reference thereto as in his or her judgment will result, if made effective, in improved efficiency in the overall operation of the Town government;

~~(3) (2)~~ Attend all meetings of the Council unless excused therefrom by the Mayor individually or the Council. He or she shall present definite options and recommendations relative to each item on the agenda for approval, rejection or modification by the Council. Also be prepared to report on or discuss any matter concerning the affairs of the departments, ~~boards,~~ services, or activities under his or her supervision upon which the Council shall be informed;

~~(3)~~ Coordinate the administrative functions and operations of the various departments, boards, divisions and services of the Town government, and on its behalf, carry out policies, rules, regulations and ordinances adopted by it, relating to the administration of the affairs of those departments, boards, divisions or services;

(4) Keep the Town Council, Committees, Commissions and Boards fully advised about relevant information including, but not limited to legal actions involving the town, upcoming discussions and events that pertain to their respective functions. Any information received should be transmitted, as it comes in, so that the committees, commissions and boards will have plenty of lead time to investigate and advise the Council.

~~(5) (6)~~ Recommend to the Council for adoption their consideration these resolutions, ordinances and or other measures as deemed necessary needed or appropriate. The Manager is bound by whatever action the Council takes;

~~(6) (4)~~ Appoint, promote, demote, suspend, and remove ~~appointed officers and employees of~~ the town with the ratification of the Town Council. Town Manager may recommend to the Council appointment and removal of the Attorney and Magistrate;

~~(7) (10)~~ Keep the Council at all times fully advised as to the financial conditions and needs of the town and to provide whatever reports to the Council as it may deem necessary. It shall further be his or her duty to see that no indebtedness is incurred or expenditure made in violation of the Arizona Constitution, the State Budget Law, and A.R.S. §§ 42-17101 *et seq.* and the Principles of Sound Financial Management, Resolution 08-58 in particular;

(8) Supervise the expenditures of all departments, ~~divisions or services of the Town government~~ and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment and materials which may be required for any of the departments, ~~divisions or services within~~ the existing budget, provided that no single purchase or group of purchases of non-budgeted items shall total more than \$5,000 unless approved by Council action;

~~(9) (5)~~ Receive from Prepare or cause to be prepared and submitted to him or her by each department, ~~board, division or service of the Town government,~~ itemized annual estimates of expenditures required by them for capital outlay, salaries, wages and ~~miscellaneous operating costs;~~ to tabulate the same into a preliminary consolidated ~~municipal-~~ town budget and submit the same to the Town Council annually on the date specified by them, with his or her recommendations for all expenses and revenues;

~~(10) (18)~~ Either the Town Manager ~~he or she~~ or the Town Clerk shall recommend the issuance of all warrants or checks drawn on the bank account or accounts of the town to be signed by two Council Members;

~~(9) Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion;~~

~~(11) (11) Serve as a public relations officer of the town government and Follow through and endeavor to adjust resolve all complaints filed against any employee, department or service within two weeks. , thereof to the end that every effort may be made to satisfy all citizens that their town government is being operated in their behalf All such complaints and resolutions shall be forwarded to the Town Council as they are received;~~

~~(12) Keep the Town Council informed of all opportunities available from or sought by Cooperate with all community organizations or individuals whose aim and purpose it is to advance the interests of the town and its residents and to provide them with all reasonable assistance obtainable through the town government within the limitations of the law;~~

~~(13) Make and keep an up-to-date inventory of all personal property owned by the Town and exercise general supervision over all property that is under the Town's control and jurisdiction of the Council. and Recommend to the Town Council, in the event of emergency, the purchase of new machinery, and equipment and supplies whenever, in his or her judgment, the same can be obtained at the best advantage, taking into consideration trade in value of machinery, equipment and the like in use as deemed needed;~~

~~(14) Make, or cause to be made, studies and surveys of the duties, responsibilities and work of the personnel in the various departments and services of the town government, and to recommend to the Town Council abolition or consolidation of positions, offices, departments or units whenever, in his or her judgment, that action would increase efficiency in the administration of the town government;~~

~~(14) (15) See that all franchises, permits and privileges granted by the town are faithfully observed;~~

~~(16) Devote as much time to the duties of the Office of Town Manager and the interest of the town as are necessary;~~

~~(17) Exercise general supervision over all public buildings and other public property which are under the control and jurisdiction of the Council;~~

~~(15) (19) Performs such other duties as may be directed required of him or her by the Mayor and Town Council.~~

(H) *Limitations upon responsibility.* The Town Manager, other than making recommendations, shall not exercise any policy-making or legislative functions whatsoever, nor attempt to commit or bind the Town Council or any member thereof to any action, plan or program requiring official action of the Town Council. ~~It is not intended by~~ This section to does not grant any authority to, or impose any duty upon, the Town Manager which ~~that~~ is vested in or imposed by general law or town ordinances in any town committee, commission, board, officer or employee, except as herein specifically set forth.

(I) *Council interference.* Except for the purpose of gathering information, the Council and its members shall deal with the administrative service solely through the Town Manager, and

Neither the Council nor any member thereof shall give orders to any subordinates of the Town Manager, either publicly or privately, without the permission of the Town Manager.

~~(I) (J) Conduct.~~ In the discharge of his or her duties as The Town Manager, the person holding that position shall endeavor at all times to exercise tact, patience, impartiality and courtesy in his or her contacts with the public, ~~and with the Town Council,~~ all town boards, committees, commissions, departments and employees, ~~and shall use his or her best efforts to establish and maintain a harmonious relationship between all personnel employed in the service of the town to the end that the highest possible standards of public services shall be maintained continuously.~~

(K) Resignation of Manager. Barring health reasons or an emergency the Manager shall provide the Council with 30 days' written notice of intention to resign ~~his or her position.~~ If requested by the Town Council the Manager shall may assist with the Council on their recruitment and selection of a replacement. ~~if requested by the Council.~~ In the event of resignation due to ~~health reasons or other reasons which a majority vote of the Council deems an emergency,~~ the period of written notice shall be determined in conference between the Manager and the Town Council.

2. Effective Date. That this Ordinance shall be effective at the soonest date after its passage and approval, according to law.

3. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

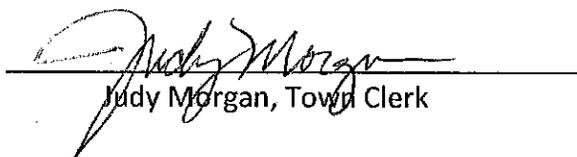
4. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 30th day of November 2010.



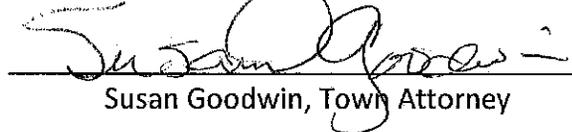
Len Marinaccio, Mayor

ATTEST:



Judy Morgan, Town Clerk

APPROVED AS TO FORM:



Susan Goodwin, Town Attorney