

CHAPTER 3 ADMINISTRATION

ARTICLE 3-1 OFFICERS IN GENERAL

- 3-1-1 Officers
- 3-1-2 Additional Officers
- 3-1-3 Bond
- 3-1-4 Vacancies; Holding More Than One Office
- 3-1-5 Additional Powers and Duties

Section 3-1-1 Officers¹

The regular appointed officers of the Town shall be the Town Manager, Town Clerk, Chief of Police, Magistrate, Attorney and Engineer, who shall be appointed by the Council and who shall serve at the pleasure of the Council, with the exception of the Town Magistrate who shall serve a term of two years. The Council has directed that Town Engineer be appointed by the Town Manager.

Section 3-1-2 Additional Officers

The Council may appoint and remove from time to time such other officers as it may deem necessary and that are not provided for in this code or state statute.

Section 3-1-3 Bond

The Council shall require each officer of the Town to give bond for the due discharge of his duties in such sums and with such security as it may direct and approve. The Town shall pay the costs of such bond but is not required to do so.

Section 3-1-4 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any town office shall be filled by appointment by the Council, provided that one person may hold more than one office and that at the discretion of the Council, the functions of a town official may be validly performed and discharged by a deputy or another town official, or an otherwise qualified individual not holding office but employed at the pleasure of the Council.

Section 3-1-5 Additional Powers and Duties

In addition to any powers and duties prescribed in this code, each officer shall have such further powers, perform such further duties and hold such other office as may be provided by the council through ordinance, resolution or order.

¹Ordinance 76-96 as amended by Ordinances 365-06; 485-10

ADMINISTRATION

ARTICLE 3-2 OFFICERS

3-2-1	Clerk
3-2-2	Chief of Police
3-2-3	Engineer
3-2-4	Attorney
3-2-5	Magistrate
3-2-6	Town Manager

Section 3-2-1 Clerk

- A. Records. The clerk shall keep a true and correct record of all business transacted by the council and any other records that either pertain to the business of the town or that the council directs. The clerk shall number, plainly label and file separately in a suitable cabinet all resolutions, ordinances, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders and other documents of whatever nature.
- B. Public Inspection of Records. The clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by state statute.
- C. Minutes. The clerk shall prepare or cause to be prepared all minutes of council proceedings and ensure their correctness and accuracy.
- D. Ordinances, Resolutions, Budgets and Notices. The clerk shall process, record, file, publish and, if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the council.
- E. Duties as Treasurer. The clerk shall hold the office of Treasurer and receive and safely keep all monies that shall come to the Town and pay out the same when authorized by the Council. He shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund was derived and for what purpose expended. He shall make monthly reports to the Council of all receipts and disbursements and the balance in each fund. He shall countersign all warrants issued by order of the Mayor and Council and signed by the Mayor, and shall disburse monies of the Town upon demands duly approved by the Council.
- F. Election Official. The Clerk shall be the Town Election Official and perform those duties required by state statute.
- G. Licenses. The clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.
- H. Administrative Duties. The clerk shall perform those administrative responsibilities and duties that are conferred upon him by the Council in addition to those specified in this code.

ADMINISTRATION

Section 3-2-2 Chief of Police

The Chief of Police shall perform such duties as may be required of him by law and as the Council may deem necessary.

Section 3-2-3 Engineer

The Engineer shall perform such duties as may be required of him by law and such other duties as the Council may deem necessary.

Section 3-2-4 Attorney

The Attorney shall act as the legal counselor and advisor of the Council and other officials and, as such, shall give his opinion in writing when requested. He shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the council. He shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the Council, with his approval or disapproval as to form noted thereon, together with his reasons therefor. He shall prosecute and defend all suits, actions or causes where the Town is a party, and shall report to the council, when required, the condition of any suit or action to which the Town is a party.

Section 3-2-5 Magistrate

The Magistrate shall be the presiding officer of the magistrate's court and shall be selected by the Council for a two year term and shall perform those functions necessary to the maintenance of the magistrate's court as provided by state statute.

Section 3-2-6 Town Manager¹

- A. Office Created. The office of the Town Manager is hereby created and established. The Town Manager shall be appointed by the Council on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of office as hereinafter set forth; and shall hold office for and at the pleasure of the Council.
- B. Eligibility. Residence in the Town at the time of appointment shall not be required as a condition of the appointment.
- C. Bond. The Town Manager shall secure a corporate surety bond to be approved by the Council in such sum as may be determined by the Council. The bond shall be conditioned on the faithful performance of the duties imposed on the manager as prescribed in this article. The bond fee shall be paid by the Town.

¹Ordinance 49-94

ADMINISTRATION

- D. Removal. The Town Manager may be removed by the affirmative vote of four members of the Town Council at a regular or special session. The removal does not require the statement of any cause.
- E. Resignation. The Manager shall give in writing a sixty days notice of intention to resign before leaving the office of Town Manager.
- F. Compensation. The Manager shall receive such compensation as the Council shall from time to time determine, and said compensation shall be a proper charge against such funds of the town as the council shall designate. The Town Manager shall be reimbursed for all sums necessarily incurred or paid in the performance of duties, or incurred when traveling on business pertaining to the town as approved by the Council; reimbursement shall be made only when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented and approved by the Council.
- G. Powers and Duties. The Town Manager shall be the 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 powers as the chief administrative officer and not as limitation thereon, it shall be the manager's responsibility and authority:
1. To see that all laws and ordinances of the Town are enforced and that all franchises and privileges granted by the Town are faithfully observed.
 2. To appoint and, when necessary, suspend or remove all employees of the Town except those appointed by the Council. All appointments and removals shall be based on merit and upon the qualifications and disqualifications of such an employee without regard to any political belief or affiliation.
 3. To coordinate the administrative functions and operation of the various departments, boards, divisions and services of the town government, and on its behalf to carry out policies, rules, regulations and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions or services. Such powers and duties to be subject to the following provisions:
 - a. That the organizational structure under which municipal services are performed shall be specified in an organization chart approved by the Council.
 - b. That prior to any creation, combination, consolidation or deletion of any positions of employment, written job descriptions or amendments thereto shall have been approved by the Council.
 4. To attend all meetings of the Council unless excused therefrom and to attend, or designate a representative to attend, all Board and Commission meetings.
 5. To recommend to the Council for adoption such measures and ordinances as are necessary.
 6. To recommend to the Council at periodic intervals changes needed in the Town Code.

ADMINISTRATION

7. To prepare and to submit a summary of all contracts, agreements, etc. of which the Town is a party for review by the Council before March 1st of each year.
8. To keep the Council at all times fully advised as to the financial conditions and needs of the Town. To provide whatever reports to the council as it may deem necessary.
9. To prepare and submit to the Council a proposed annual budget for the next fiscal year and a financial plan for the subsequent four fiscal years.
10. To analyze the functions, duties, and activities of the various departments, boards and services of the town government and for all employees thereof, and to make such recommendations to the Council and with reference thereto, as in his/her own judgment will result, if made effective, in the highest degree of efficiency in the overall operation of the town government.
11. To investigate all complaints in relation to matters concerning the administration of the Town, or its utilities or enterprises.
12. To exercise general supervision over all public buildings, public parks and other public property which are under the control and jurisdiction of the Council.
13. To devote as much time to the duties of the office of Town Manager and the interest of the Town as necessary.
14. To perform such other duties and exercise such other powers as may be delegated from time to time by ordinance or resolution of the Council.

ARTICLE 3-3 PERSONNEL SYSTEM

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| 3-3-1 | Creation and Scope |
| 3-3-2 | Conditions of Employment |
| 3-3-3 | Rules and Regulations |
| 3-3-4 | Political Contributions |

Section 3-3-1 Creation and Scope

The Council shall adopt a merit system for the employees of the Town, the provisions of which shall apply to all employees of the Town except elected officials, officers of the Town appointed by the Council, persons engaged under contract to supply expert, professional or technical services, temporary employees and volunteer personnel who receive no regular compensation from the Town.

ADMINISTRATION

Section 3-3-2 Conditions of Employment

The appointment, promotion and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned. No employee or applicant for employment shall be discriminated against on the basis of race, color, religion, sex or political affiliation.

Section 3-3-3 Rules and Regulations

The Council may adopt by resolution rules, regulations and policies to give effect to this article, which may be modified or changed from time to time, but such rules and regulations shall follow the generally accepted principles of good personnel administration.

Section 3-3-4 Political Contributions

No officer, official or employee of the Town shall use any influence or pressure upon any employee to obtain any assessment or contribution of money or time, either direct or indirect, for any political campaign or personal gain.

ARTICLE 3-4 PURCHASING¹

- 3-4-1 Scope of Article
- 3-4-2 Purchasing Director
- 3-4-3 Cooperative Purchasing

Section 3-4-1 Scope of Article

The Council shall adopt by resolution, rules, regulations and policies that give effect to this article, which may be modified or changed from time to time, but such rules and regulations shall follow principles of sound fiscal management.

Section 3-4-2 Purchasing Director

The Town Manager shall appoint one or more persons to serve as the purchasing director and to administer the town's purchasing policies as set forth in the council adopted rules and regulations.

Section 3-4-3 Cooperative Purchasing

This Article shall not apply to purchases made by, through or with the State of Arizona or its political subdivisions. The Town may make purchases or award contracts for services without a formal bidding process whenever other governmental units have done so for the same item or service if, in the opinion of the purchasing director, a separate bidding process is not likely to result in a lower price for such items or services.

¹Ordinance 251-03

ARTICLE 3-5 INDEMNIFICATION OF TOWN OFFICERS AND EMPLOYEES¹

- 3-5-1 Persons to be Indemnified
- 3-5-2 Notification of Manager
- 3-5-3 Expenses for Indemnification
- 3-5-4 Criminal Proceedings
- 3-5-5 Representation
- 3-5-6 No Presumption Created
- 3-5-7 Gross Negligence and Misconduct
- 3-5-8 No Impairment of Insurance

Section 3-5-1 Persons to be Indemnified

Any person made a party or threatened to be made a party to any proceeding based on claims arising out of the performance of their duties as an officer, employee, councilmember, or member of a board or commission of the Town (an "appointee") shall be indemnified as set forth in this Article 3-5.

Section 3-5-2 Notification of Manager

As a prerequisite to indemnification under this Article 3-5, a person shall notify the Town Manager as soon as he is made a party or threatened to be made a party to any proceeding. The Town Manager, in consultation with the Town Attorney, shall determine whether provisions of this Article 3-5 apply to such claims. If the Town Manager is the person seeking indemnification, the term "Town Manager" in this Section 3-5-2 shall refer to the Assistant Town Manager.

Section 3-5-3 Expenses for indemnification

Indemnification shall include, without limitation, attorneys' fees, expert witness fees, court costs and fees, judgments and amounts paid in settlement of a claim, if approved by the town.

Section 3-5-4 Criminal Proceedings

If the proceeding is a criminal proceeding, the person shall be indemnified if he had no reasonable cause to believe his conduct was unlawful.

Section 3-5-5 Representation

If the Town is or may be joined with one or more employees, council members, or appointees as defendants in a lawsuit, the Town and the individual(s) shall be jointly represented by the same legal counsel, except that separate legal counsel shall be provided to the employee at the Town's expense when it is determined by the Town Attorney that joint representation would be either ethically inappropriate or otherwise contrary to the interests of the Town. Legal counsel shall be selected by Town or, as applicable, the Town's insurer.

¹Ordinance 584-15

An officer, employee, council member or appointee who is being defended and indemnified pursuant to this Article 3-5 shall cooperate with the Town and, upon the Town's request, assist in conducting any contested proceeding and making settlements. The officer, employee, council member or appointee shall, when requested by the Town attend depositions, hearings and trials and assist in securing and giving evidence. The officer, employee, council member or appointee shall not, except at his or her own cost, voluntarily make any payment, assume any obligation or incur any expense in connection with the claim or contested proceeding. If the officer, employee, council member or appointee fails to cooperate as required by this subsection, then the Town shall have the right not to defend or indemnify the individual.

Section 3-5-6 No Presumption Created

With respect to indemnification, a termination of the proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent shall not by itself create a presumption that the person acted, or failed to act, other than in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the Town, and with respect to any criminal proceeding, had reasonable cause to believe that his conduct was unlawful.

Section 3-5-7 Gross Negligence and Misconduct.

No indemnification shall be made in respect of any claim, issue or matter as to which such person shall be determined to be liable for gross negligence or intentional tortious misconduct in the performance of his duty to the Town.

In the event that the Town incurs costs and expenses on behalf of a person pursuant to this Article 3-5, and it is later determined that the person was not entitled to the benefits of this Article because the individual was grossly negligent or committed intentional tortious misconduct, then the Town shall be reimbursed by the person for all such costs and expenses, including attorneys' fees.

Section 3-5-8 No Impairment of Insurance

Nothing in the indemnity provisions of this Article 3-5 is intended to limit or impair the existence of any insurance, municipal risk pool coverage, or other similar protection provided to the Town or to any person seeking indemnification. Any protection provided to an indemnified person pursuant to this Article 3-5 shall be secondary and the coverage afforded by any such third party insurance or other coverage or protection shall in all cases be primary.