

ORDINANCE NO. 840

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, AMENDING SECTIONS 31.01 THROUGH 31.27
(TOWN OFFICIALS) OF THE TOWN CODE.
(PART 4 OF THE SYSTEMATIC CODE REVIEW AND UPDATE)

WHEREAS, on June 6, 2013, the Town Council directed the Town Attorney, working with the Town's Departments to systematically review the Town Code and to bring to the Council any recommended amendments to ensure consistency with State Law, internal consistency with other Town Ordinances/Code sections, and efficiency of Town operations; and

WHEREAS, Title III: General Provisions of the Town Code, Section 31.01-31.27 (Town Officials) has been reviewed by the Town Attorney, the Town Clerk, and the Town Manager; and

WHEREAS, the Town desires to amend Sections 31.01 (Officers Enumerated), 31.02 (Treasurer and Collection of Taxes), 31.04 (Bond), 31.05 (Vacancies; Holding More Than One Office), 31.07 (Indemnification of Officers), 31.20 (Town Manager), 31.21 (Town Clerk), 31.22 (Town Marshal), 31.23 (Town Engineer), 31.24 (Town Attorney), 31.25 (Town Magistrate), 31.26 (Chief Fiscal Officer), and 31.27 (Coordinator of Emergency Services),

**NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF
PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. That Section 31.01 (Officers Enumerated) of the Town Code is amended and shall read as follows:

31.01 OFFICERS ENUMERATED

(A) The Town's officers shall be the Town Manager, Town Clerk, Town Marshal/Police Chief, Town Engineer, Town Attorney, and Town Magistrate.

(B) The Town Council shall select and appoint the Town Manager and Town Attorney. Unless otherwise provided for in a contract between the Town Manager and/or Town Attorney and the Town, any discipline or termination of the Town Manager and/or Town Attorney shall be conducted in accordance with the Town's Personnel Manual.

(C) All officers other than the Town Manager and Town Attorney shall be selected by the Town Manager and approved by the Town Council. Any discipline or termination of an officer shall be conducted in accordance with the Town's Personnel Manual.

Section 2. That Section 31.02 (Treasurer and Collection of Taxes) of the Town Code is amended and shall read as follows:

31.02 Reserved.

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Section 3. That Section 31.04 (Bond) of the Town Code is amended and shall read as follows:
31.04 Reserved.

Section 4. That Section 31.05 (Vacancies; Holding More Than One Office) of the Town Code is amended and shall read as follows:
31.05 Reserved.

Section 5. That Section 31.07 (Indemnification of Officer) of the Town Code is amended and shall read as follows:
31.07 INDEMNIFICATION OF OFFICERS

The Council, or other designated independent decision maker selected by the Council in the event of conflicts, shall have the right to indemnify the Town's officers, employees, elected officials and agents who are named as a party or who are threatened to be named in any pending or completed action or suit, whether civil, criminal, administrative, or investigative, in accordance with the standards and guidelines set forth in A.R.S. Title 10, Chapter 8, Article 5, as amended.

Section 6. That Section 31.20 (Town Manager) of the Town Code is amended and shall read as follows:
31.20 TOWN MANAGER.

The responsibilities of the Town Manager shall be as follows:

(A) The Town Manager shall be responsible for directing and coordinating all municipal administrative activities. The Town Manager shall exercise independent judgment in determining the course and extensiveness of assignments and in developing recommendations to the Council. The Town Manager shall exercise all administrative authority over all town officers and employees, except for the Town Attorney and his/her staff.

(B) The Town Manager or his/her designee shall attend all meetings of the Council.

(C) The Town Manager shall receive inquiries from the public and shall furnish information or direct the inquiry to the proper source within town management for answer.

(D) The Town Manager shall plan, coordinate and review the preparation of the municipal budget, shall review the budget periodically to compare revenues and expenditures and shall perform related budget and fiscal work.

(E) The Town Manager shall study departmental organization and procedures, conferring with department heads and administrative personnel on assignments, policy interpretations and related work.

(F) The Town Manager shall conduct research and procedural or administrative studies and prepare reports embodying recommended solutions and courses of action. The Town

Manager shall initiate appropriate courses of action for greater administrative effectiveness.

(G) The Town Manager shall supervise preparation of material for public reporting.

(H) The Town Manager shall negotiate contracts and other legal agreements, signs purchase orders, agreements, contracts and related documents as authorized for the town.

(I) The Town Manager shall represent the town at meetings, organizations, clubs and the like, and may speak on behalf of the town at these meetings as requested.

Section 7. That Section 31.21 (Town Clerk) of the Town Code is amended and shall read as follows:

31.21 TOWN 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 the Clerk's control, as provided by state statute.

(C) *Agendas.* The Clerk shall prepare all Council Agendas and gather all materials supporting such Agendas.

(D) *Minutes.* The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

(E) *Ordinances, resolutions, budgets and notices.* The Clerk shall process, record, file, publish and, when required by statute, post all ordinances, resolutions, budgets and notices that may be passed by the Council.

(F) *Election official.* The Clerk shall be the town election official and perform those duties required by state statute.

(G) *Administrative duties.* The Clerk shall perform those administrative responsibilities and duties as directed by the Manager in addition to those specified in this code.

Section 8. That Section 31.22 (Town Marshal) of the Town Code is amended and shall read as follows:

31.22 TOWN MARSHAL.

The Marshal shall be the Chief of Police. He or she shall perform such duties as may be required by law and as the Manager may deem necessary.

Section 9. That Section 31.23 (Town Engineer) of the Town Code is amended and shall read as follows:

31.23 TOWN ENGINEER.

The Engineer shall have charge of the town streets and shall perform such duties as may be required by law and such other duties as the Manger may deem necessary.

Section 10. That Section 31.24 (Town Attorney) of the Town Code is amended and shall read as follows:

31.24 TOWN ATTORNEY.

(A) The Attorney shall act as the legal advisor to the Council and other officials and employees acting in their official capacities and shall give his/her opinion in writing when requested.

(B) The Attorney shall draft deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required.

(C) The Attorney shall approve as to form, in writing, all contracts and all official or other bonds before final approval or acceptance thereof by the Council.

(D) The Attorney shall be responsible for the prosecution and defense of all suits, or actions where the town is a party and shall report to the Council, when required, the condition of any such suit or action.

Section 11. That Section 31.25 (Town Magistrate) of the Town Code is amended and shall read as follows:

31.25 TOWN MAGISTRATE.

(A) The Town Magistrate shall be the presiding officer of the Magistrate's Court and shall be appointed by the Council and shall perform those functions necessary to the maintenance of a Magistrate's Court as provided by state statute.

(B) The Town Magistrate shall be appointed for a term of not less than 24 months.

Section 12. That Section 31.26 (Chief Fiscal Officer) of the Town Code is repealed.

Section 13. That Section 31.27 (Coordinator of Emergency Services) of the Town Code is repealed.

Section 14. If any section, subsection, or portion of this Ordinance 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 remaining portions of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk



Timothy M. Wright, Town Attorney