

## ORDINANCE NO. 2010-09-22-02

AN ORDINANCE OF THE TOWN OF TUSAYAN, ARIZONA, CREATING THE POSITION OF TOWN MANAGER.

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA:

Section 1: Pursuant to Arizona Revised Statutes Section 9-303, the Mayor and Town Council for the Town of Tusayan hereby create the office of Town Manager.

Section 2: The Town Manager shall be the Chief Administrative Officer and head of the administrative branch of the Town government. He or she, or his or her designee, shall be the Chief Financial Officer of the Town. He or she shall be responsible to the Town Council for the proper administration of all affairs of the Town. In addition to the general powers of administrative head, and not as limitation there, the Town Manager shall have the authority and be required to perform the following duties:

1. Comply with the ICMA Code of Ethics and all State ethics requirements.
2. Execute, on behalf of the Town Council, general administrative supervision and control of the affairs of the Town.
3. Personnel Duties.
  - a. Appoint, suspend and/or remove, all officers and employees of the Town not appointed by the Town Council (the Magistrate and Town Attorney) pursuant to Town personnel rules and regulations, this code, and ordinances of the Town.
  - b. Supervise the work of the Town staff and provide for a written evaluation of each Town employee on an annual basis. This subsection does not change the appointing, contracting or hiring procedures for the Town staff.
4. Consult with the Town Attorney and act as liaison between the Town Council and the Town Attorney.
5. Attend all meetings of the Town Council, unless excused therefrom, and provide adequate analysis and reports to enable the Town Council to discuss all matters coming before the Town Council.
6. Prepare the Town budget annually in accordance with the GFOA best practices and submit it to the Town Council by the end of March, unless otherwise requested, together with a description of its important provisions, and be responsible for its administration after Town Council adoption.
7. Prepare and submit to the Town Council, within 90 days of the end of each fiscal year, a complete audit of the finances of the Town during the preceding year.
8. Advise the Town Council of the financial condition and future needs of the Town and make such recommendations as he or she deems desirable.

9. Ensure that each employee is paid fairly and promptly, and authorize the payments of overtime pay for such non-exempt employees as may work in excess of a normal work period (salaries to be set by the Town Manager and approved by Town Council as part of the annual budget cycle).
10. Recommend to the Town Council, from time to time, adoption of such measures which he or she deems necessary or expedient for the health, safety or welfare of the community or the improvement of administrative services.
11. 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 be authorized to direct the activities of all employees, including department heads, except as otherwise provided by this code, and to make recommendations to the Town Council with reference thereto, as in his or her judgment will result, if adopted, in greater efficiency of the overall operation of the Town government.
12. Consolidate or combine offices, positions, departments or units under his jurisdiction with the approval of the Town Council. The Town Manager may be the head of one or more departments, except as otherwise provided by this code.
13. Supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; and let contracts necessary for operation or maintenance of Town services.
14. Receive sealed bids for purchases or contracts and, when they exceed the Town Manager's authority, present them to the Town Council for approval, and advise the Town Council on the advantages of the contract and bid proposals. The Town Manager may issue rules governing purchasing procedures within the administrative organization.
15. In case of accident, disaster, or other circumstances creating a public emergency, the Town Manager may award contracts and make purchases for the purpose of meeting said emergency, but he or she shall file promptly with the Town Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
16. Ensure that all laws and ordinances of the Town are duly enforced, and that all municipal, state, federal, and other authorities affecting the Town are duly obeyed and enforced.
17. Investigate the affairs of the Town and its departments and divisions. Investigate all complaints related to the administration of the Town government and to services maintained by public utilities in the Town, and ensure that all franchises, permits, and privileges granted by the Town are faithfully observed.
18. Advise the Town Council at periodic intervals in the creation and changes needed in the Town code and execute the policies and procedures put forth by the Town Council.
19. Receive and safely keep all monies that come to the Town and pay out the same when authorized by the Town Council. The Town Manager shall keep a separate record and account of each fund created by the Town Council in accordance with GASB

Statement No. 54, apportion the monies received among the different funds as prescribed by the Town Council, and keep a complete accounting of every monetary transaction of the Town, the state of each fund, from what source the money in each fund was derived and for what purpose expended; and he or she shall make quarterly reports to the Town Council of the Town finances. The Town Manager shall annually cause to be prepared a Combined Annual Financial Statement in accordance with GFOA best practices.

20. Devote as much time to the duties of the Town Manager as may be required by the interests of the Town.
21. Operate and maintain a Town web site and meet state required posting laws with that web site.
22. Perform such other duties as may be required by the Town Council which are not inconsistent with state law, Town ordinances, Town codes, the Tusayan Area Plan, the Design Review Overlay, or the Coconino County Comprehensive Plan as adopted and modified by the Town Council to be the Tusayan General Plan.

Section 3: The Town Manager shall be appointed by a majority vote of the Town Council for an indefinite term, although the Town Council may agree to a fixed term by contract. The Town Manager shall be chosen on the basis of his or her executive and administrative qualifications, prior municipal government service, financial management background, Town planning and his or her knowledge of accepted practice with respect to the duties of his or her office as herein described. He or she shall hold office for and at the pleasure of the Town Council.

Section 4: The Town Manager shall furnish a corporate surety bond to be approved by the Town Council in such a sum as may be determined by the Town Council and shall be conditioned on the faithful performance of the duties imposed on the Town Manager as herein prescribed. The Town shall pay the bond fee.

Section 5: No member of the Town Council shall be eligible to be appointed to the office of Town Manager during the term for which the member shall have been elected and for one year thereafter.

Section 6: The Town Manager shall receive such compensation as the Town Council shall establish.

Section 7: The Town Manager may be removed with or without cause by the Town Council by a majority vote of the membership of the Town Council. No such vote may occur within three (3) months of any new member joining the Town Council, absent conviction of a felony. The action of the Town Council in removing the Town Manager shall be final.

Section 8: The Town Manager shall give in writing a thirty (30) day notice of his or her intention to resign before leaving, resigning or quitting the office of Town Manager.

Section 9: The Town Council and its members shall deal with Town employees solely through the Town Manager. Neither the Town Council nor any Councilmember thereof shall give orders to any subordinate of the Town Manager, whether publicly or privately. The Town Council shall not exercise any administrative functions, nor attempt to influence or interfere with the Town Manager's powers and duties except through changes in policy or law.

Section 10: The Town Manager shall not exercise any policymaking or legislative functions, nor attempt to commit or bind the Town Council to any action, plan, or program requiring the official action of the Town Council.

Section 11: If any section, subsection, sentence, clause, phrase 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 thereof.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Tusayan, Arizona, this 22 day of September, 2010.

**APPROVED:**



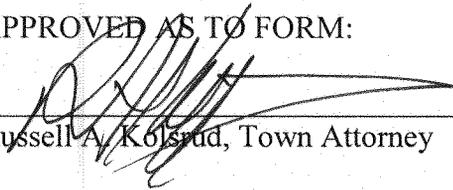
Pete Shearer, Mayor

ATTEST:



Pam Parsons, Town Clerk

APPROVED AS TO FORM:



Russell A. Kolsrud, Town Attorney