

TOWN OF LEEDS

ORDINANCE 2010-03

AN ORDINANCE AMENDING ORDINANCE 2009-16 - DELEGATING EXECUTIVE AND ADMINISTRATIVE DUTIES OR FUNCTIONS TO THE TOWN MANAGER – PROVIDING CONTINGENCY FOR VACANCY IN THE TOWN MANAGER POSITION BY ASSIGNING THE MAYOR AS ACTING TOWN MANAGER

WHEREAS, the Town Council of the Town of Leeds (the “Town”) adopted Ordinance 2009-16 - Delegating Executive and Administrative Duties or Functions to The Town Manager in compliance with Utah Code Annotated §10-3b-403(1)(b)(iii); and

WHEREAS, the Town Council of the Town of Leeds, during a regular public meeting, has discussed and considered the proposed amendment to ordinance 2009-16 - Delegating Executive and Administrative Duties or Functions to The Town Manager; and

WHEREAS, the Town Council considers it necessary for the good government of the Town to provide for a contingency plan if a vacancy should exist in the Town Manager position; and

WHEREAS, the Town Council may not remove from the Mayor or delegate to the Town Manager appointed by the Town Council any of the Mayor’s legislative or judicial powers or ceremonial functions; the Mayor’s position as chair of the Town Council; or any ex officio position that the Mayor holds in compliance with Utah Code Annotated §10-3b-403(1)(c)(i), (ii), and (iii); and

WHEREAS, the Town Council has the authority by ordinance to assign the Mayor to supervise one or more administrative departments of the municipality pursuant to Utah Code Annotated §10-3b-403(1)(b)(v); and

WHEREAS, the Town Council has determined that adding provisions to assign the Mayor as acting Town Manager if a vacancy should exist in the Town Manager position is in the best interest of the Town;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Town Council of Leeds Town, State of Utah, as follows:

1. Delegating Executive and Administrative Duties or Functions to The Town Manager Ordinance 2009-16 of the Leeds Town Code is hereby amended as follows:
 - a. **Heading:** *Amended by Ordinance 2010-03.* A copy of the final amended Ordinance is attached hereto, and is incorporated by this reference.
 - b. **Section 4:** An entire new section, Section 4 is inserted to read as follows:

4. *"Mayor Assumes Responsibility during Vacancies. If a vacancy shall exist in the Town Manager position herein defined, the Mayor shall assume the duties and responsibilities as Acting Town Manager until the position of Town Manager may be filled."*

- c. **Sections 5,6 & 7:** The Repealer in current section 4 and following sections will be changed to reflect one numerical number higher. A copy of the final amended *Ordinance 2009-16* is attached hereto, and is incorporated by this reference.
2. Repealer. This Ordinance supersedes or repeals the provision(s) of any ordinance(s), resolution(s) or section(s) of the Leeds Town Ordinance that is (are) inconsistent with the provisions of this Ordinance.
3. Saving Clause. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision(s), clause(s), or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.
4. Effective Date. This Ordinance shall become effective on the 10th day June, 2010.

ORDINANCE 2010-03 PASSED AND WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS, WASHINGTON COUNTY, STATE OF UTAH, ON THIS 9th DAY OF June 2010, AND BECOMES EFFECTIVE ON June 10th, 2010.

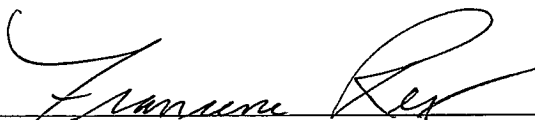
ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR HYRUM D. LEFLER	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN ALAN ROBERTS	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN ANGELA ROHR	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN KEITH SULLIVAN	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN FRANK LOJKO	<u> </u>	<u> </u>	<u> </u>	<u>X</u>



Hyrum Lefler, Mayor
TOWN OF LEEDS

ATTEST:



Francene Rex, Town Clerk/Recorder

TOWN OF LEEDS

ORDINANCE 2009-16

Amended by Ordinance 2010-03

AN ORDINANCE DELEGATING EXECUTIVE AND ADMINISTRATIVE DUTIES OR FUNCTIONS TO THE TOWN MANAGER

WHEREAS, the Town Council has the authority by ordinance to appoint a Town Manager to perform executive and administrative duties or functions that the Town Council by ordinance delegates to the Town Manager pursuant to Utah Code Annotated §10-3b-403(1)(b)(iii); and

WHEREAS, the Town Council of the Town of Leeds (the "Town") adopted Ordinance 2009-15 changing the appointment of the Town Planner/Administrator to Town Manager in compliance with Utah Code Annotated §10-3b-403(1)(b)(iii); and

WHEREAS, the Town Council may not remove from the Mayor or delegate to the Town Manager appointed by the Town Council any of the Mayor's legislative or judicial powers or ceremonial functions; the Mayor's position as chair of the Town Council; or any ex officio position that the Mayor holds; and

WHEREAS, the Town Council considers it necessary for the good government of the Town to delegate certain executive and administrative duties or functions to the Town Manager by this ordinance.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Town Council of Leeds Town, State of Utah, as follows:

1. Delegation of Executive and Administrative Duties or Functions to the Town Manager. The Town Council hereby delegates the following executive duties or functions to the Town Manager:
 - a. Enforcement of Town of Leeds Ordinances. The Town Manager shall enforce the Town of Leeds ordinances.
 - b. Coordination of all Town activities, departments and services. The Town Manager shall have authority to require the responsible department heads or persons so appointed, or their representatives, to meet with the Town Manager at reasonable times, for the purpose of effecting coordination and cooperation among all departments of the Town.
 - c. Personnel.
 - i. Employment of Personnel. In consultation with the Town Council and/or the respective department heads, the Town Manager shall offer

employment to or terminate employment of (as the case may be) all non-appointed town personnel. In consultation with the Town Council and/or the respective department heads, the Town Manager may approve increases in salary or wages for all non-appointed Town personnel, in conformance with the approved department budget. The Town Manager may, as requested by the Town Council:

1. Participate in the evaluation of candidates for appointed positions within the town. Appointed positions within the town include the Clerk, Recorder, Treasurer, Attorney, Engineer and department heads.
 2. Make recommendations regarding the salaries and/or wages offered to candidates for appointed positions within the town.
- ii. Supervision of all Town Departments and Personnel. The Town Manager shall administer the Town's personnel policies and procedures set forth in the Personnel Policies and Procedures Manual for the Town of Leeds. All Town Departments and Personnel shall report to the Town Manager. The Town Manager shall conduct regular employee performance valuations as required by Town policy.
- d. Representation of the Town. The Town Manager shall have authority to represent the Town in its negotiations and working relationships with
- i. Leeds residents and customers of Town-provided services;
 - ii. The state, the county, and other governmental jurisdictions;
 - iii. Private and public utilities;
 - iv. All land use applicants and other applicants for services provided by the Town, and;
 - v. All providers of professional services to the Town and other vendors.
- e. Performance of financial duties.
- i. The Town Manager, in collaboration with the Mayor, Treasurer and Clerk, and in conformance with state law, shall prepare and submit to the Town Council the proposed annual budget and keep the Town Council aware of the financial conditions and needs of the Town.
 - ii. In accordance with the policies and procedures set forth in the State of Utah Uniform Accounting Manual, the State of Utah Money Management Act, the Utah Uniform Fiscal Procedures Act for Towns and other provisions of state law. the Town Manager shall oversee:
 1. The preparation of the monthly financial statements and submittal of same to the Town Council for regular review.
 2. The management of all Town of Leeds funds

- iii. The Town Manager shall also have a properly qualified, certified public accountant perform all necessary financial review prescribed by state law for the annual Town audit.
- iv. The Town Manager shall serve as risk manager and ensure that the Town's liability and financial exposure is minimized through proper insurance coverage and risk management practices in accordance with state law.
- f. Attend Meetings of Town Council and Planning Commission Meetings. The Town Manager shall attend all meetings of the Town Council and Planning Commission unless excused by the Mayor or Planning Commission Chairman, respectively. The Town Manager, in consultation with Recorder, shall review draft meeting minutes for accuracy prior to Town Council approval.
- g. Make Town Council Recommendations. The Town Manager shall make recommendations or cause recommendations to be made to the Town Council and Planning Commission regarding the adoption of such measures, including ordinances and resolutions, as the Town Manager may deem necessary or expedient for the health, safety, and/or welfare of the Town or for the improvement of administrative services provided by the Town. Recommendations made or caused to be made by the Town Manager concerning land use applications will include sufficient findings and conditions appropriate for the decision of the Town Council. As necessary, the Town Manager shall consult with department heads and other professionals concerning staff recommendations to the Town Council.
- h. Make Planning Commission Recommendations. The Town Manager shall make recommendations or cause recommendations to be made to the Planning Commission (for its recommendation to the Town Council) regarding the adoption of such measures, including land use ordinances, as the Town Manager may deem necessary or expedient for the health, safety, and/or welfare of the Town or for the improvement of the Town's administrative process reviewing land use applications. Recommendations made or caused to be made by the Town Manager concerning land use applications will include sufficient findings and conditions appropriate for the Planning Commission to make a favorable or unfavorable recommendation to the Town Council. As necessary, the Town Manager shall consult with department heads and other professionals concerning staff recommendations to the Planning Commission.
- i. Prepare Meeting Agendas.
 - i. The Town Manager, in consultation with the Mayor, shall oversee the Recorder in preparation of Town Council meeting agendas. The Town Manager shall ensure that all matters for Town Council consideration

are well-researched and well-documented, that financial implications are considered when relevant, and that indirect as well as direct consequences are considered and alternatives provided.

- ii. The Town Manager, in consultation with the Planning Commission Chairman, shall oversee the Recorder in preparation of Planning Commission meeting agendas. The Town Manager shall ensure that all matters for Planning Commission consideration are well-researched and well-documented, and that indirect as well as direct consequences are considered and alternatives provided.
- j. Prepare Ordinances and Resolutions, Draft Agreements, Leases, Franchises, and Similar Contractual Documents. The Town Manager in consultation with the Town Attorney and other town staff, as necessary, shall prepare or have prepared, ordinances and resolutions, and draft agreements, contracts, leases, franchises, and all similar documents, using specialists as may be necessary, assuring such instruments are set forth in plain language.
- k. Purchase Supplies. The Town Manager shall direct and oversee the purchase and acquisition of all property, equipment, services, materials, and supplies for the Town and for all departments and divisions thereof, according to the established Town Purchasing Policy set forth in the Utah Procurement Act and in the Town of Leeds Personnel Policies and Procedures Manual and the approval of the Town Council. No expenditure shall be submitted or recommended to the Town Council except on report or approval of the Town Manager.
- l. Investigate Town Affairs and Complaints. The Town Manager shall investigate the affairs of the Town and of any department. The Town Manager shall investigate all complaints in regard to matters concerning the administration of the government of the Town and in regard to service maintained by the public utilities in the Town to see that all franchises, permits, and privileges granted by the Town are faithfully observed.
- m. Supervise Public Property. The Town Manager shall exercise general supervision over all public buildings, public parks and all public property under the control and jurisdiction of the Town Council.
- n. Compensation. The Town Manager shall execute delegated executive and administrative duties and functions with fidelity, professionalism and necessary attention and shall be granted executive compensation and benefits. The executive compensation and benefits may be detailed in an employment contract as offered and approved by the Town Council.
- o. Performance of delegated duties. The Town Manager shall perform such other duties and exercise such other powers as may be delegated to the Town Manager from time to time by ordinance, resolution, motion, or other action by the Council.

- p. Delegation of duties. The Town Manager may, as conditions, circumstances, and reason dictate, further delegate the performance of the above described duties to other Town staff.
- q. Attendance at commission and board meetings. The Town Manager shall attend meetings of any commission or board created by the Council upon his or her own volition or as directed by the Council. The Town Manager shall be heard on all matters he wishes to present to such commissions and boards.

2. Town Manager Reports to Town Council. The Town Manager shall answer to, report to and generally be accountable to the Town Council. The Town Manager shall report or cause reports to be made regularly to the Town Council on the condition of the health, safety, and welfare of the Town. This report shall include updates on the financial condition of the Town, negotiation of and enforcement of Agreements, review of Planning and Development applications, or other matters requested by the Town Council or deemed appropriate by the Town Manager.

3. Delegation of Executive and Administrative Duties of Functions. The Town Manager shall perform only those executive and administrative duties and functions that the Town Council by this ordinance delegates to the Town Manager. In no case shall the Town Manager be delegated and/or perform any of the Mayor's legislative or judicial powers or ceremonial functions; the Mayor's position as chair of the Town Council; or any ex officio position that the Mayor holds.

4. Mayor Assumes Responsibility during Vacancies. If a vacancy shall exist in the Town Manager position herein defined, the Mayor shall assume the duties and responsibilities as Acting Town Manager until the position of Town Manager may be filled.

5. Repealer. This Ordinance supersedes or repeals the provision(s) of any ordinance(s), resolution(s) or section(s) of the Leeds Town Ordinance that is (are) inconsistent with the provisions of this Ordinance.

6. Saving Clause. If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision(s), clause(s), or application(s) hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

7. Effective Date. This Ordinance shall become effective on the 17th day December, 2009.



TOWN OF LEEDS

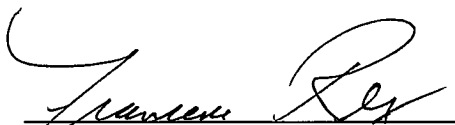
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Website: www.leedstown.org

CERTIFICATE OF POSTING

I, Francene Rex, duly appointed and acting Clerk/Recorder for the Town of Leeds, hereby certify that the forgoing ordinance 2010-03 was passed by the Leeds Town Council on the 9th day of June, 2010, and that copies of the foregoing ordinance were posted at three public places within the Town this 10th day of June 2010, which public places were:

Leeds Town Hall
Leeds Post Office
Leeds Market

Dated this 10th day of June 2010.



Francene Rex, Clerk/Recorder