

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.

~~—(A) The town's officers shall be the Town Manager, Town Clerk, Town Attorney, Town Engineer and the Town Marshal/Police Chief. Upon the selection and appointment of the Town Manager or Town Attorney by the Council, the first 12 months of employment shall be probationary and subject to termination by the Council, unless otherwise provided for in a contract between the Council and such officer. Upon the expiration of the 12-month probationary period, such officer shall only be removed for cause upon a majority vote of the full membership of the Council, or a total of four votes.~~

(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.

~~—(B) All officers other than the Town Manager and Town Attorney shall be selected and appointed by the Town Manager subject to ratification of the Town Council. Such officers other than the Town Manager and Town Attorney may be removed for cause by the Town Manager, subject to rights of review by the Personnel Board and the Town Council, as provided in the Town of Payson Personnel Rules and Procedure 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 TREASURER AND COLLECTION OF TAXES.~~ Reserved.

~~The Chief Fiscal Officer shall act as Treasurer and as Collector of Taxes.~~

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

~~31.04 BOND~~ Reserved.

~~The Council may require each officer or department head of the town to give bond for the due discharge of his or her duties in such sums and with such security as it may direct and approve as determined by resolution. The town shall pay the costs of the bond.~~

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 VACANCIES; HOLDING MORE THAN ONE OFFICE.~~ Reserved.

~~The offices of Town Manager and Town Attorney shall be filled by appointment by the Council. 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 in accordance with § 31.01 of this chapter.~~

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 ~~town, by and through its Common~~ Council, or other designated independent decision maker selected by the ~~Common~~ Council in the event of conflicts, shall have the right to indemnify the Town's officers, ~~directors~~, employees, elected officials and agents of the town who are named as a party or who are threatened to be named a party in any pending or completed action or suit or proceeding, 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. ~~A.R.S. Title 10, Chapter 8, Article 5 is hereby incorporated into this code by reference, and shall be the embodiment of the procedures and standards for the indemnification rights created herein.~~

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

31.20 TOWN MANAGER.

~~(A) The office of Town Manager is hereby created.~~

(B) The responsibilities of the Town Manager shall be as follows:

~~(1A)~~ 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, administrative authority over whom shall be exercised by the Mayor and Council.

~~(2B)~~ The Town Manager or his/her designee shall attend all meetings of the Council, ~~and boards, commissions and committees as necessary.~~

~~(3C)~~ The Town Manager shall receive inquiries from the public ~~by letter, phone or in person~~ and shall furnish information or direct the inquiry to the proper source within town management for answer.

~~(4D)~~ 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.

~~(5E)~~ The Town Manager shall study departmental organization and procedures, conferring with department heads and administrative personnel on assignments, policy interpretations and related work.

~~(6F)~~ 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.

(7G) The Town Manager shall supervises preparation of material for public reporting.

(8H) The Town Manager shall negotiates contracts and other legal agreements, signs purchase orders, agreements, contracts and related documents as authorized for the town.

(9I) The Town Manager shall represents the town at meetings, organizations, clubs and the like, and may speak on behalf of the town at these meetings as requested.

~~(10) Except as provided in division (B)(1) above, the Town Manager is the personnel administrator, with those duties described in the Personnel Rules and Regulations adopted by resolution of the Council.~~

~~—(11) One or more Town Business License Clerk(s) shall be appointed by the Town Manager or the Manager's designee and such appointment(s) may be changed by the Manager from time to time.~~

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 ~~reports~~.* The Clerk shall prepare all Council Agendas and gather all materials supporting such Agendas. ~~collect from town officers and employees for the agenda reports and Council Decision Requests prepared in such manner and to include such information as may be directed by the Council.~~

(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) Licenses. The Clerk shall issue or cause to be issued all licenses that may be prescribed by state statute, this code, or the Town Council.~~

~~(HG) Administrative duties.~~ The Clerk shall perform those administrative responsibilities and duties as directed by the Manager ~~that are conferred upon the Clerk by the Council~~ in addition to those specified in this code.

~~(f) The Town Clerk shall be appointed by and report to the Town Manager.~~

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 Council may deem necessary. ~~The Chief of Police shall be appointed by and report to the Town Manager.~~

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 ~~and the Council or Town~~ as the Manger may deem necessary. ~~The Engineer shall be appointed by and report to the Town Manager.~~

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

31.24 TOWN ATTORNEY.

~~The Attorney shall act as the legal counselor and advisor of the Council and other officials and employees and, as such, shall give his or her opinion in writing when requested. He or she shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the Council. He or she shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council. He or she shall return, within ten days, all ordinances and resolutions submitted to him for consideration by the Council, with his or her approval or disapproval as to form noted thereon, together with his or her reasons therefor. He or she 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.~~

(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 selected 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.

#### ~~31.26 CHIEF FISCAL OFFICER~~

~~The responsibilities of the Chief Fiscal Officer shall be as follows:~~

~~(A) Budget. The Chief Fiscal Officer shall prepare the budget for each fiscal year including projected revenues and proposed expenditures. The budget shall be submitted to the Town Manager and the Town Council for review and shall be revised as directed.~~

~~(B) Budget administration. Periodically, the Chief Fiscal Officer shall submit to the Town Manager and the Town Council a comparison of actual revenues and expenditures to the related budget. Recommendations shall be made by the Chief Fiscal Officer to the Town Manager and the Town Council concerning appropriate budget policies.~~

~~(C) The uniform expenditure reporting system. The Chief Fiscal Officer shall be responsible for compliance with the uniform expenditure reporting system as outlined in A.R.S. § 41-1279.07.~~

~~(D) Budget adoption compliance. The Chief Fiscal Officer shall be responsible for compliance with federal, state and local budget adoption laws.~~

~~(E) Purchase orders.~~

~~(F) Accounting principles and financial statements. The Chief Fiscal Officer shall be responsible for compliance with generally accepted accounting principles and preparation of financial statements in accordance with the National Council on Governmental Accounting.~~

~~(G) Other duties as Chief Fiscal Officer. The Chief Fiscal Officer shall 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 transaction of the town, the state of each fund, from what source the money in each fund was derived and for what purpose expended.~~

~~(H) *Administrative duties.*—The Chief Fiscal Officer shall perform those administrative responsibilities and duties that are conferred upon him by the Town Manager in addition to those specified in this code.~~

~~(I) *Duties as Treasurer.*—The Chief Fiscal Officer shall hold the office of Town Treasurer and perform the functions thereof.~~

~~(J) The Chief Fiscal Officer shall be appointed by and report to the Town Manger.~~

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

### ~~31.27—COORDINATOR OF EMERGENCY SERVICES.~~

~~(A) The office of the Coordinator of Emergency Services is hereby created. The Coordinator shall be appointed and serve at the will of the Council. An assistant coordinator may be appointed if necessary.~~

~~(B) The duties of the Coordinator of Emergency Services shall include the following:~~

~~—(1) The recommendation for adoption by the Council of an emergency services plan.~~

~~—(2) The maintenance of necessary liaison between the Council and the emergency services organization and other emergency services organizations within the county and state.~~

~~—(3) The control and direction of the training of the emergency services organizations.~~

~~—(4) Such other duties as prescribed by law or by regulation adopted by the Mayor and Council.~~

~~(C) The emergency services organization of the town shall consist of the officers and employees of the town designated by regulation as well as all volunteer emergency service workers. The functions and duties of the organization shall be distributed between such divisions and services as shall be prescribed by regulation of the Council.~~

~~(D) It is unlawful for any person to willfully obstruct, hinder or delay any member of the emergency services organization in carrying out his duties under this section. It is unlawful for any person to wear, carry or display any emblem, insignia or other means of identification as a member of the emergency services organization of the town unless so authorized by the proper officials.~~

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