AGENDA ITEM #11

Consideration of Ordinance 2021-31 amending Grantsville City Code Chapter 2 and adopting Grantsville City Code 2-9 to create the position of City Manager.

GRANTSVILLE ORDINANCE 2021-31

CREATION OF CITY MANAGER POSITION

AN ORDINANCE AMENDING GRANTSVILLE CITY CODE CHAPTER 2 AND ADOPTING GRANTSVILLE CITY CODE 2-9 TO CREATE THE POSITION OF CITY MANAGER

WHEREAS, the City Council has authority pursuant to Utah Code 10-3b-403(1)(b) (iii) to create the position of City Manager and "appoint [that] manager to perform executive and administrative duties of functions that the council by ordinance delegates to the manager[;]" and

WHEREAS, Grantsville City has been experiencing a phase of rapid growth that is putting ever increasing demands on its elected officials; and

WHEREAS, the City Council hereby finds that to meet the needs of this growht and overall needs of the City, it is in the best interest of the City and its residents, to create the Office of City Manager; and

WHEREAS, the Office of City Manager shall be commanded by a City Manager, selected or hired by, and subject to the control of, the City Council;

WHEREAS, the City Council also finds that ordinances, rules and regulations should be adopted to define the powers, duties, and functions of the City Manager, and

WHEREAS, the City Council has determined that these actions are in the best interest of, and promote the health, safety and welfare of the City.

NOW THEREFORE, be it ordained by the Council of the Grantsville, in the State of Utah, as follows:

SECTION 1: <u>AMENDMENT</u> "Chapter 2-9 (Reserved)" of the Grantsville Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

Chapter 2-9 (Reserved)

AFTER AMENDMENT

Chapter 2-9 (Reserved)City Manager

SECTION 2: <u>ADOPTION</u> "2-9-1 Office Of City Manager" of the Grantsville Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

2-9-1 Office Of City Manager (Non-existent)

AFTER ADOPTION

- 2-9-1 Office Of City Manager(Added)
- (1) The office of City Manager is created pursuant to Utah Code 10-3b-403(1)(b)(iii) (2011), and shall continue in force and effect as an appointed officer of the City.
- (2) The powers, duties, and functions of the office of City Manager shall be administered and carried out by the City Manager and subject to the control of the governing body.

PASSED AND ADOPTED BY THE GRANTSVILLE COUNCIL AYE NAY ABSENT ABSTAIN Jewel Allen Darrin Rowberry Krista Sparks Scott Stice Jeff Hutchins Presiding Officer Attest Christine Webb, City Recorder

Grantsville



City Manager Discussion

 Wed, May 19, 2021 at 12:57 PM

Council Members:

I thought it might be helpful if I provided a little information ahead of time related to your discussion of a city manager. This is just for your information and is not meant to be an endorsement of moving forward in any particular way.

As a mayor-six member council, you may, by ordinance, create the position of city manager at any time, and establish the power and authority of the city manager. Some or all of the mayor's executive and administrative duties can be delegated to the city manager with the specific exception that the legislative and judicial powers of the mayor — the position as chair of the city council and any ex-officio position the mayor holds — cannot be delegated to the city manager.

Adopting an ordinance creating the city manager is not a change in the form of government, but just a change in the form of city administration. Therefore, Utah law does not require the city to undertake any special prerequisite (i.e. as you would if the city were to change the form of government) prior to adopting the ordinance.

If the council is favorable to a city manager, I will draft the required legislation for the council to consider. Most important will be a decision by the council regarding what duties and powers will be delegated to the city manager and which, if any, will remain with the mayor. Any vote removing (or reinstating) to the mayor "a power, duty or function . . . requires the affirmative vote of (a) the mayor and a majority of all other council members; or (b) all council members." Utah Code 10-3b-303(2) (2011).

I have taken the liberty of collecting for the council example city codes (from other Utah cities) that have a city manager -- you can review what duties and powers these cities have delegated to the city manager.

Thank You,

Brett M. Coombs City Attorney Grantsville City 429 East Main Street Grantsville, Utah 84029

Office: (435) 884-4635 Fax: (435) 884-0426

3 attachments

Saratoga Springs.pdf



Riverton.docx

Chapter 2.03. City Manager.

Sections:

2.03.01.	Office Created.
2.03.02.	Appointment and Removal.
2.03.03.	Residence.
2.03.04.	Resignation.
2.03.05.	Compensation.
2.03.06.	Office and Time Spent.
2.03.07.	Duties, Control, and Discretion.
2.03.08.	Finance Director.
2.03.09.	Acting City Manager.

2.03.01. Office Created.

The office of City Manager is hereby created and established pursuant to Utah Code § 10-3b-303, and shall continue in force and effect as an appointed office of the City.

(Ord. 13-17; Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.02. Appointment and Removal.

The City Council shall by a majority vote appoint a qualified person to the office of City Manager. In doing so, the Mayor shall act as a voting member of the Council. The term of office, salary, benefits, duties, and termination of the City Manager shall be set out in written contract prior to the time of appointment, which contract shall be negotiated and approved by vote of the City Council.

(Ord. 13-17; Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.03. Residence.

Unless otherwise provided by contract, the City Manager need not be a resident or a qualified elector of the City of Saratoga Springs at the time of his or her appointment or thereafter.

(Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.04. Resignation.

Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least thirty days' notice in writing of his or her intention to resign, unless otherwise provided by contract.

(Ord. 13-17; Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.05. Compensation.

The salary, fringe benefits, and other compensation of the City Manager shall be set from time to time by the City Council.

(Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.06. Office and Time Spent.

The City Manager shall maintain an office in the City offices and shall spend such time in the performance of his or her duties as is necessary or as may be required from time-to-time by the City Council as provided by contract.

(Ord. 13-17; Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.07. Duties, Control, and Discretion.

- 1. Generally. The City Manager shall administer the day-to-day operations of the City and its services according to the policies and programs established by the City Council. The City Manager shall at all times be under the control and supervision of the City Council and shall answer directly to the City Council in all matters relating to the City and its employees, functions, relationships, activities, and status. The Mayor, City Council, and City Council members shall not direct the City Manager or any of the subordinates of the City Manager without a majority consensus of the City Council. All administrative directions from the City Council shall be conducted through the City Manager.
- Quarterly Reports. The City Manager shall prepare and furnish to the City Council on a quarterly basis, or more often as requested by the City Council, a summary and status report setting out in adequate detail such information as to inform the City Council on the status of the following:
 - a. administrative matters;
 - b. city departments and agencies;
 - c. personnel matters;
 - d. fiscal and budgetary affairs, including monthly and quarterly reports as provided for in Section 2.03.08:
 - e. legal matters pending or asserted; and
 - f. any other matters requested by the City Council.
- 3. **Specific Duties.** Subject to the limits set forth herein, the following duties and the authority to perform them are hereby delegated to the City Manager.
 - a. Administrative Officer. The City Manager shall be the Chief Administrative and Executive Officer of the City under the advice and consent of the City Council and subject to those powers specifically reserved for the Mayor by ordinance or State law.
 - b. **Personnel Administrator**. The City Manager shall be the Personnel Administrator to whom all employees of the City shall report and shall be responsible for implementing and enforcing the personnel policies and procedures of the City.

- c. Appoint and Remove Employees. Except as provided in Section 2.02.02, the City Manager shall have authority to appoint and remove department heads with the advice and consent of the City Council. The City Manager shall have authority to appoint and remove all other City employees.
- d. Supervise Departments. The City Manager shall direct and supervise the administration of all City departments, offices, and agencies, except as otherwise provided by the City Council. The Mayor, with the advice and consent of the City Council, may appoint not more than two members of the City Council to serve as City Council liaisons to a city department as determined by the Mayor. The primary purpose of the liaison is to collect and relay information to the City Council jointly with the City Manager. The Mayor may eliminate, adjust, or change liaison assignments at any time. Liaisons do not have the authority to represent the City Council, make decisions in behalf of the Council, or direct staff in administrative matters.
- e. Inventory Property. The City Manager shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Manager shall be responsible for the care and custody of all such property, including equipment, buildings, parks, and all other City property that is not by law assigned to some other officer or body for care and control.
- f. **Purchasing and Claims**. The City Manager shall act as purchasing agent for the City and, as such, shall implement and enforce all provisions of the ordinances of the City relating to purchasing.
- g. Council Meetings. The City Manager or designee shall attend all meetings of the City Council with the right to take part in the discussion and to recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient, but not to vote.
- h. **Budget Officer**. The City Manager shall act as the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Utah Uniform Fiscal Procedures Act for Utah Cities. The City Manager shall also ensure that all executive procedures and activities of the City are in compliance with the provisions of the Utah Uniform Fiscal Procedures Act for Utah Cities.
- i. Review and Sign Contracts and Agreements. Under the direction of the City Council, and unless otherwise prohibited by law, the City Manager shall review, approve, and sign all contracts to which the City may be a party, and shall see that the terms of any contract to which the City is a party are fully performed by all parties thereto.
- j. **Propose Plans and Programs**. The City Manager shall propose plans and programs concerning the development, operation, and needs of the City and submit such plans to the City Council to be approved and developed as policy.
- k. **Implement Policy**. The City Manager shall implement all policy changes and directives of the City Council through regularly-scheduled staff meetings.
- I. Management Controls. The City Manager shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.

- m. **Organization**. The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus, and offices necessary for the governing of the City to the City Council for its approval prior to implementation.
- n. **Records**. The City Manager shall examine the books, records, and official papers of the City's departments and offices.
- o. **Emergencies**. The City Manager shall notify the City Council and the Mayor of any emergency existing in any department or matter under his or her supervision.
- 4. Additional Duties. The City Manager shall have such other powers and shall perform such other duties and obligations as may be required by state law or by ordinance, resolution, or policy of the City Council.

(Ord. 18-37; Ord. 13-17; Ord 12-9; Ord. 11-9; Ord. 07-1)

2.03.08. Finance Director.

- 1. Creation and Appointment. As authorized by Utah Code § 10-6-157, the City Council hereby creates the position of Finance Director. The City Manager shall act as the Finance Director and may delegate any such responsibilities as allowed by law.
- 2. Duties. The City Manager, or designee, shall perform the financial duties and responsibilities of the City Recorder, but not the City Treasurer, as established by the Uniform Fiscal Procedures Act for Utah Cities found in Title 10, Chapter 6 of the Utah Code. The City Manager, or designee, shall also perform the duties of the ex-officio auditor in Utah Code § 10-3-916.

(Ord. 13-17)

2.03.09. Acting City Manager.

In the absence of the City Manager, the City Manager may appoint an Acting City Manager. If the City Manager is unable or refuses to act, the City Council may appoint by majority vote a qualified person to serve as Acting City Manager to perform and undertake the duties and responsibilities of the City Manager with such authority as is vested in the office. In such a case, the Mayor shall be a voting member of the Council per state law.

(Ord. 13-17; Ord. 11-9; Ord. 07-1)

ORDINANCE NO. 2017-02

AN ORDINANCE AMENDING TITLE THREE OF THE VINEYARD TOWN CODE TO CREATE AND DEFINE THE POSITION OF CITY MANAGER

WHEREAS, Vineyard City Council has the authority under Utah Code 10-3b-403 to create a position of city manager and to provide for the powers and duties of that position.

NOW THEREFORE BE IT ORDAINED by the mayor and City Council of Vineyard, Title 3 of the City Code is amended to include a new Chapter 3-500 to read as follows:

CHAPTER 3-500 CITY MANAGER

3-501 OFFICE CREATED; ADMINISTRATIVE PROVISIONS:

- A. Office Created: The office of the city manager, which shall be known as "city manager", is created and established pursuant to Utah code section 10-3b-403. The city manager shall be referred to as the city manager or the chief administrative officer.
- **B.** Control: The powers, duties and functions of the office of city manager shall be subject to the control and policies of the governing body which is defined in state law as being the mayor and council as a group.
- C. Appointment: The governing body shall appoint the city manager, who shall be appointed on the basis of experience, and administrative and executive abilities and qualifications.
- **D. Bond**: Before taking office, the city manager shall furnish a fidelity bond, at the expense of the city, in the amount of <u>sixty thousand dollars</u> (\$60,000.00), conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in this state as a surety. Such bond shall be filed with the city recorder after being approved by the governing body.
- E. Term of Office: The city manager shall serve at the pleasure of the governing body and may be removed at any time, with or without cause, by a majority vote of the governing body, subject, however, to the provisions of the next succeeding subsections.
- 1. Notice: In the case of removal by the governing body without cause, the city manager shall be furnished with a fourteen (14) days' written notice before the effective date of removal. In the case of removal by the governing body for cause, the governing body may effect removal of the city manager immediately upon notice to the city manager.
- 2. Discretion of Governing Body: In removing the city manager, the governing body may use its discretion and its action shall be final and shall not depend upon any particular showing or degree of proof.

- **F. Employment Agreement:** Nothing in this chapter shall be construed as a limitation on the power or authority of the governing body to enter into any supplemental agreement with the city manager with additional terms and conditions of employment not inconsistent with any provisions of this chapter.
- **G. Salary:** The salary and other compensation of the city manager shall be established by the governing body in accordance with Utah law.
- H. Office and Time Spent: The city manager shall maintain an office in the city hall and shall spend such time in the performance of the duties of city manager as is necessary or may be required from time to time by the governing body. The City manager shall be an exempt employee for purposes of the fair labor standards act and shall not be entitled to overtime pay unless specifically agreed to by the governing body. The city manager shall not accept any outside employment in addition to employment by the city without prior approval of the governing body.
- I. Residence: The city manager need not be a resident of the city at the time of the city manager's appointment or thereafter.

3-502 POWERS; DUTIES; OBLIGATIONS:

- **A. City Manager Duties**: Pursuant to the policies and programs established by the governing body, and under the direction and oversight of the governing body and except as otherwise set forth by the governing body in ordinance, resolution, motion, or this code, the city manager shall:
- 1. Be responsible for managing the internal affairs of the city; develop, recommend and implement city policies, practices, rules, regulations and procedures; report to the governing body; advise the governing body regarding policy options and implementation procedures; carry out legislative directives and decisions; be responsible for contracts administration.
- 2. Establish and maintain effective working relationships with the governing body, the city attorney, management employees, citizen committees, special interest groups, employees, press, contractors, public vendors and representatives from other city, county, special district, state and federal agencies; issue public statements to the press and respond to questions from the press related to city management, policies, procedures and administrative decisions and is consistent with the majority opinion or direction of the governing body.
- 3. Consistent with the direction of the governing body, be responsible for the full and effective use of city personnel by establishing, in consultation with the city attorney, department directors, division heads or other management employees, overall department objectives, priorities and standards consistent with the goals, direction, and objectives of the governing body; serve as a facilitator in the achievement by city divisions of governing body goals and in coordinating with management employees for effective implementation of city service levels, ordinances, resolutions, rules, regulations and directives; exercise managerial control to ensure that the city government and its respective departments function in the most efficient and effective manner.

- 4. Be the budget officer of the City and finance director of the City under the uniform fiscal procedures act for Utah Cities; plan, organize and supervise city financial operations and keep the governing body at all times advised as to the financial condition and needs of the city; prepare and deliver financial reports to the governing body as needed; supervise the preparation and administration of the city budget under the direction of the governing body; ensure that all executive procedures and activities are in compliance with the uniform fiscal procedures act for Utah cities and Utah money management act as passed and amended by the state legislature.
- 5. Represent the city at various meetings or other functions and respond to requests or inquiries about city policies, rules, ordinances, regulations, resolutions or services rendered by the city government.
- 6. Enforce all applicable laws, ordinances, rules, regulations, and policies of the city. Assure that all franchises, leases, permits, licenses, contracts and privileges granted by the city are fully performed and observed.
- 7. Recommend and prepare for consideration by the governing body and advisory committees long range strategic plans and programs to provide for the health, safety, and welfare of the current and future inhabitants of the city; furnish reports to the governing body as requested.
- 8. Except as otherwise provided, be responsible for the overall personnel management function; implement city personnel ordinances, rules, and regulations that have been adopted, approved, or revised by the governing body; coordinate personnel ordinances and rules and regulations adopted by the governing body; coordinate personnel functions with management employees such as recruitment, selection, and appointment; have authority to appoint and remove any employees of the city, except the city recorder, the city treasurer, and the city attorney who shall be appointed, removed, or terminated by majority vote of the governing body, serve as a step in the appeals process available to employees with grievances; monitor personnel actions, promotion, discipline, demotion, separation and reclassification; coordinate personnel decisions with department directors; coordinate activities of individuals rendering professional services under contract with the city.
- 9. Investigate into the affairs of the city and any department or division thereof, and any contract for the proper performance of any obligations of the city.
- 10. Create all necessary departments as approved by the governing body. Create all necessary divisions, sections, and offices necessary for the government of the city; prepare recommendations for the governing body regarding the addition, deletion or reduction in municipal services.
- 11. Attend and participate in all meetings of the governing body unless otherwise excluded by the governing body in an executive session meeting, but shall not have a right to vote in said meetings.
 - 12. Approve and sign commercial and residential subdivision plats on behalf of the city.

- 13. Perform all other duties, obligations, and exercise the powers set forth by ordinance, resolution, regulation, or directive imposed by the governing body.
- 14. Notify the governing body forty eight (48) hours prior to the effective date of any permanent termination of any city department director. Nothing herein shall limit the city manager's ability to institute temporary employee suspensions or temporary administrative leave of city employees.
- **B. Department Cooperation**: It shall be the duty of all subordinate employees to cooperate with the city manager in administering the affairs of the city efficiently, economically and harmoniously.
- **C. Planning and Land Use**: Notwithstanding the foregoing, the city manager shall exercise no authority over the planning commission or an appeal and variance hearing board or officer.
- **D. Performance Evaluation:** The governing body shall evaluate, at least annually, the performance of the city manager.
- **E. Powers of The Mayor Not Delegated:** Nothing in this chapter shall be construed to delegate to the city manager the legislative and judicial powers of the mayor, the mayor's position as chief executive officer of the city pursuant to Utah code section 10-3b-104(1)(a), chairperson of the governing body, or any ex officio position which the mayor shall hold.

PASSED this 11th day of January, 2017.

City Recorder

ATTEST

Chapter 2.15 CITY MANAGER

Sections:

2.15.010 Definitions.

2.15.020 Creation of the position of city manager – Role – Authority – Responsibilities and obligations of the position.

2.15.010 Definitions.

The following terms are defined to help in understanding the language and intent of the following provisions:

"City" shall mean city of Riverton, Utah.

"City council" means the elected representatives comprised of six persons to be members of the governing body of the city.

"City manager" means the person appointed by the governing body to manage the administrative affairs of the city pursuant to Section <u>10-3-830</u>, Utah Code Annotated 1953.

"Employee" means any person appointed by the city who is under the classified merit system.

Gender. The masculine, feminine or neuter gender, and the singular or plural number, shall each include the others whenever the context so indicates.

"Governing body" means that body of elected officials composed of the city council and the mayor who represents the people of Riverton.

"Mayor" means the elected official who represents the city in all of its external relationships, unless otherwise delegated, and who presides at meetings of the governing body of the city.

"Officer" means any person who is an employee of Riverton who is in a leadership position and is not under the classified merit system.

"Qualified elector" means a person who is registered to vote within the city. [Ord. 4-6-04-1 § 1. Code 1997 § 3-8-17A-1.]

2.15.020 Creation of the position of city manager – Role – Authority – Responsibilities and obligations of the position.

- (1) Office Created. The office of city manager is created pursuant to Section <u>10-3-830</u>, Utah Code Annotated 1953.
- (2) Control. The powers, duties and functions of that office to be administrated and carried out by the city manager shall be subject to the control of the governing body.
- (3) Appointment. The governing body shall appoint a city manager on the basis of the manager's ability to adequately perform the duties of that office.
- (4) Term of Office and Severance Pay. The city manager shall serve at the pleasure of the governing body. In cases where the city manager is removed without cause, the city shall pay the city manager 30 days' severance pay unless otherwise established by written contract between the manager and the city.
- (5) Salary. The salary of the city manager shall be set from time to time by the governing body through a resolution of the city council unless set by written contract between the city manager and the governing body or in conjunction with other increases approved by the city council during the budgeting process.
- (6) Office and Time Spent. The city manager shall maintain an office in City Hall and shall spend such time in the performance of his duties as is necessary or may be required from time to time by the governing body. The city manager shall not accept other employment during his term of employment with the city without the approval of the governing body.
- (7) Residency. The city manager need not be a resident or qualified elector of the city at the time of appointment. However, the governing body may require the city manager to become a resident and a qualified elector of the city after his appointment.
- (8) General Duties. The city manager under the direction of the governing body shall:
 - (a) Have and exercise general control and supervision over administrative activities of the city including but not limited to construction, maintenance, improvement, and repair of all city properties, ditches, culverts, streams, watercourses, curbings and gutters, public buildings, streets, parks, playgrounds, detention basins, cemeteries,

records and supplies, and other grounds and properties belonging to or under the jurisdiction of the city.

- (b) Prepare plans and programs concerning the development, operation, and needs of the city and submit such plans to the governing body to be approved and developed as policy.
- (c) Set performance standards and exercise managerial control to ensure that the city government is functioning in an efficient and effective manner.
- (d) Recommend creation of all necessary departments, divisions, bureaus and offices necessary for the government of the city to the governing body for their approval prior to implementation.
- (e) Ensure all executive procedures and activities are in compliance with the provisions of the Uniform Fiscal Procedures Act for Utah Cities.
- (f) Keep a current inventory accounting for real and personal property of the city and its location and shall be responsible for the care and custody of all such property including equipment, buildings, parks, and all other city property which is not by law assigned to some other officer or governmental body for care and control.
- (g) Examine the books and official papers of the city's departments and offices.
- (h) Manage the day-to-day affairs of the city and shall be the manager to whom all city employees shall report. Hire and discharge employees, with the exception of appointed officers, pursuant to the personnel policies adopted by the governing body at such compensation as may be set or authorized by that body. Discipline any employee as necessary pursuant to personnel policies of the city. See that all employees shall perform their duties subject to the general direction of the governing body.
- (i) Review all proposed contracts to which the city may be a party and shall make recommendations concerning the same to the governing body. It shall be the duty of the city manager to see that the terms of any contract to which the city is a party are fully performed by all parties thereto.

- (j) Have and exercise all powers and duties assigned to him by ordinance or resolution and shall carry out the policies and programs established by the governing body.
- (k) May execute and sign all written obligations of the city not otherwise specified under the role of the mayor or as required by law or ordinance.
- (I) Emergency Interim Successors to City Manager. If, because of natural or human-caused disaster or emergency situation, absence, disability or death, the city manager is unable to carry out the duties imposed by this chapter, the duties and authorities of the city manager shall be exercised by one of the following municipal officials, in the order indicated, until the city manager or a person higher on the priority list becomes capable of exercising such duties:
 - (i) Assistant city manager;
 - (ii) City attorney;
 - (iii) Director of public works;
 - (iv) City engineer;
 - (v) Director of finance;
 - (vi) City recorder.

The exercise of emergency interim successor duties pursuant to this subsection shall be promptly reported to the members of the city council as soon as practical by the person assuming those duties. [Amended during 2011 recodification; Ord. 09-04 § 1 (Exh. A); Ord. 4-6-04-1 § 1. Code 1997 § 3-8-17A-2.]