

ORDINANCE NO. 2018-24

AN ORDINANCE AMENDING SECTION 3.01.080 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE APPOINTMENT AND DUTIES OF THE CITY MANAGER

WHEREAS, the City Council has previously adopted Section 3.01.080 of the Centerville Municipal Code regarding the appointment and duties of the City Manager; and

WHEREAS, the City Council desires to amend Section 3.01.080 of the Centerville Municipal Code regarding severance pay for the City Manager as more particularly set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** Section 3.01.080 of the Centerville City Municipal Code regarding the City Manager is hereby enacted to read in its entirety as set forth as follows.

3.01.080 City Manager

(a) Appointment. The office of City Manager has been created and established and shall continue in force and effect as an appointed office of the City. The City Council shall appoint a qualified person to act as City Manager. Pursuant to Utah Code § 10-3b-302, the Mayor shall have the right to vote in the appointment of the City Manager.

(b) Term of Office ~~and Severance Pay~~. The City Manager shall serve at the pleasure of the City Council and may be terminated at any time with or without cause. Pursuant to Utah Code § 10-3b-302, the Mayor shall have the right to vote in the dismissal of the City Manager. ~~After the City Manager has been employed by the City for at least one year, if the City Manager is removed thereafter without cause, the City shall pay to the City Manager six months severance pay.~~ The City Manager position is an at-will position and is exempt from the protections of Utah Code § 10-3-1105. As such, the City Manager may be terminated with or without cause and shall not be entitled to due process appeal procedures as set forth in Utah Code § 10-3-1106.

(c) Office. The City Manager shall maintain an office in City Hall 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, but not less than 40 hours per week. The City Manager need not be a resident or qualified elector of the City, but should maintain his or her residence within a reasonable driving distance of the City.

(d) Resignation. Before voluntarily resigning from the position of City Manager, the City Manager shall give the City Council at least 30 days notice in writing of his or her intent to resign.

(e) Other Employment. The City Manager shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

(f) Powers of Mayor Not Delegated. The legislative and judicial powers and ceremonial functions of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Manager. Any changes to the powers and duties of the Mayor, as delegated to the City Manager, shall comply with applicable provisions of Utah Code § 10-3b-303.

(g) Duties. The City Manager shall at all times be under the control and supervision of the City Council, and 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 following duties and the authority to perform them are hereby delegated to the City Manager.

(1) Appoint and Remove Employees. Unless otherwise delegated to the Mayor for appointed offices and department heads, the City Manager shall have the authority to hire, employ and remove employees as provided herein. The City Manager shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or demotion from appointment or employment with the City. The City Manager may provide written recommendation to the Mayor and City Council regarding the appointment or dismissal of any appointed officer as provided in CMC 3.01.020.

(2) Supervise Officers and Department Heads. The City Manager shall provide direct supervision of and have direct responsibility over the offices of City Recorder, City Treasurer, Chief of Police, City Engineer, City Attorney, and Department Heads.

(3) Personnel Director. The City Manager shall be the personnel director, and as such shall be responsible for implementing and enforcing the Personnel Policies and Procedures of the City and providing recommendations to the City Council regarding the compensation plan for employees.

(4) 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 which is not by law assigned to some other officer or body for care and control.

(5) 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 and policies of the City relating to purchasing.

(6) Council Meetings. The City Manager shall attend all meetings of the City Council and may recommend to the City Council adoption of such measures as the City Manager may deem necessary or expedient.

(7) 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, as set forth in Utah Code § 10-6-101, et seq. The City Manager shall also ensure that all executive procedures and activities of the City are in compliance with such Act.

(8) Review Contracts. The City Manager shall review and make recommendations to the City Council concerning all proposed 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.

(9) 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.

(10) Implement Policy. The City Manager shall implement all policy changes and directives of the Mayor and the City Council through regularly scheduled staff meetings.

(11) 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.

(12) Organization. The City Manager shall recommend creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.

(13) Records. The City Manager shall oversee the access and retention of the books, records, and official papers of the City's departments and offices.

(14) Additional Duties. The City Manager shall have such other powers and ~~shall~~ perform such other duties and obligations as may be required of him or her by State law or by ordinance, resolution, or policy of the City Council. The City Manager shall also perform the duties set forth in the job description for the position of City Manager.

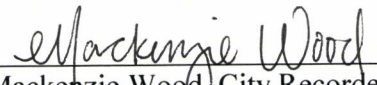
Section 2. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

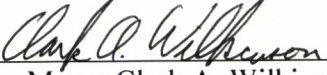
Section 3. Effective Date. This Ordinance shall become effective upon publication or posting, or thirty (30) days after passage, whichever occurs first. In addition, pursuant to *Utah Code Ann. § 10-3-705*, as amended, all ordinances must be recorded by the City Recorder in a book used exclusively for that purpose before taking effect.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE,
STATE OF UTAH, ON THIS 20th DAY OF NOVEMBER, 2018.**

CENTERVILLE CITY

ATTEST:


Mackenzie Wood, City Recorder

By: 
Mayor Clark A. Wilkinson

Voting by the City Council:

	"AYE"	"NAY"	ABSENT
Councilmember Fillmore	<u>X</u>	<u> </u>	<u> </u>
Councilmember Ince	<u> </u>	<u> </u>	<u>X</u>
Councilmember Ivie	<u>X</u>	<u> </u>	<u> </u>
Councilmember McEwan	<u>X</u>	<u> </u>	<u> </u>
Councilmember Mecham	<u>X</u>	<u> </u>	<u> </u>

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council, recorded by me in a book used exclusively for that purpose, and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the below referenced dates.

Mackenzie Wood
MACKENZIE WOOD, City Recorder

DATE: 11-27-2018

RECORDED on 27 day of NOVEMBER, 2018.

PUBLISHED OR POSTED on 27 of NOVEMBER, 2018.

