**ORDINANCE NO. 99 - 09**

AN ORDINANCE CREATING THE POSITION OF CITY ADMINISTRATOR FOR THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.

**RECITALS**

1. The City of Wendover is authorized to adopt and enforce lawful and reasonable ordinances governing its employees, and is specifically authorized by U.C.A. §10-3-830 to create the position of City Manager or City Administrator;

2. The governing body of the City desires to formally adopt an ordinance creating the position of City Administrator and defining the duties and responsibilities of such a position.

**BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:**

Section No. 1 Ordinance Enacted. There is hereby enacted an Ordinance, consistent with the law of the State of Utah, creating the position of City Administrator, to read it its entirety as set forth in the Exhibit "A", attached hereto and incorporated herein by this reference.

Section No 2. Repealer. Any and all ordinances which conflict with this Ordinance are repealed.

Section No. 3. Resolutions. The City may, by resolution, approve contracts or adopt regulations further defining the rights, duties and responsibilities of the City Administrator.

Section No. 4. Severability Clause. The provisions of this Ordinance and all regulations thereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section No. 5. Effective Date. This Ordinance shall become effective immediately upon passage and execution by the Mayor of the City of Wendover.

**PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 1st DAY OF DECEMBER, 1999.**

Stephen B Perry

MAYOR

ATTEST:

Margaret L. Wheeler

CITY RECORDER

# CITY OF WENDOVER, UTAH
# CITY ADMINISTRATOR ORDINANCE

**1-101 City Administrator.**

(a) Office Created. The office of City Manager, which shall hereby and hereafter be known as "City Administrator," is hereby created and established pursuant to Sections 10-3-830 and 10-3-901 of the Utah Code Annotated (1953), as amended.

(b) Control. The powers, duties and functions of the Office of City Administrator shall be subject to the control of, and policies adopted by, the governing body.

(c) Appointment. The governing body shall appoint the City Administrator who shall be appointed on the basis of his or her administrative and executive ability and qualifications.

(d) Bond. Before taking office, the City Administrator shall furnish a fidelity bond in the amount of Four Hundred Thousand Dollars ($400,000), conditioned upon the faithful performance of his or her duties. The fidelity bond shall be issued by a corporation licensed to conduct business as a surety in the State of Utah. Such bond shall be filed with the City Recorder after being approved by the governing body of the City. The cost of the fidelity bond shall be paid by the City.

(e) Term of Office. The City Administrator shall serve at the pleasure of the City Council and may be removed at any time, with or without cause, by a majority vote of the City Council as then constituted, convened in a regular City Council meeting, subject, however to the provisions of next succeeding subsections.

(1) Notice. In the case of intended removal by the City Council, the City Administrator shall be furnished with a written notice stating the City Council's intention to remove him or her, at least thirty days before the effective date of his or her removal. In the event of a termination for cause, the effective date of termination may, at the discretion of the governing body, be immediate.

(2) Meeting. Within seven days after the delivery to the City Administrator of such notice of intention to remove, he or she may, by written notification to the Mayor or any member of the City Council, request a confidential executive meeting with the governing body. Thereafter the governing body shall fix a time for the meeting which shall be held at its

usual meeting place, but before the expiration of the thirty day period, at which the City Administrator shall appear and be heard.

(3) Discretion of Council. In removing the City Administrator, the governing body may use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the meeting.

(4) Limitation on Removal. Notwithstanding the provisions set forth above, the City Administrator shall not be removed from office, during or within a period of one hundred twenty (120) days next succeeding any general municipal election held in the city at which a member of the City Council is elected or when a new City Councilperson is appointed. The purpose of this provision is to allow any newly elected or appointed member of the City Council or a reorganized City Council to directly observe the actions and ability of the City Administrator in the performance of the powers and duties of his or her office. After the expiration of said one hundred twenty (120) day period aforementioned, the foregoing provisions as to the removal of said City Administrator shall apply and be effective. The limitation described in this paragraph shall not apply to termination for cause, including without limitation, violation of law, misfeasance or malfeasance in office, violation of established procedures of the City, and similar offenses.

(f) Employment Agreements. Nothing in this ordinance shall be construed as a limitation on the power or authority of the governing body to enter into any supplemental agreement with the City Administrator delineating additional terms and conditions of employment not inconsistent with any provision of this Ordinance. In the event that a provision of such an agreement is inconsistent with this Ordinance, the provisions of this Ordinance shall control.

g) Resignation. Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the City Council thirty (30) days notice in writing of his or her intention to resign.

(h) Salary -- Severance Pay. The salary and other compensation of the City Administrator shall be set from time to time by the City Council. On termination of employment of the City Administrator by reason of involuntary removal from service, severance pay may be paid by the City as may be agreed in writing in any Employment Agreement with the City Administrator. Involuntary removal from service shall include, but not be limited to, reduction in force, forced resignation and reductions in pay not applicable to all employees of the City. The City Administrator shall not be entitled to severance pay in the event that he/she is terminated for cause, including without limitation, violation of law, misfeasance or

malfeasance in office, violation of established procedures of the City, and similar offenses.

(i) Office and Time Spent. The City Administrator shall maintain an office in the City office building and shall spend such time in the performance of the duties of City Administrator as is necessary or may be required from time to time by the City Council. The City Administrator shall not accept any outside employment in addition to employment by the City without prior approval of the City Council.

(j) Residence. The City Administrator need not be a resident or qualified elector of the City of Wendover at the time or the City Administrator's appointment. The City Administrator shall, within 180 days after his/her appointment, become a resident of the City of Wendover, Utah. In cases of hardship or unusual circumstances, the governing body may extend the 180 day term described in the paragraph as needed.

(k) Powers, Duties and Obligations. Pursuant to the policies and programs established by the City Council of Wendover, and under the general direction and oversight of the governing body, the City Administrator 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 Mayor and City Council; advise the Mayor and City Council regarding policy options and implementation procedures; and carry out legislative directives and decisions.

(2) Establish and maintain effective working relationships with the Mayor and City Council, department heads, 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.

(3) Be responsible for the full and effective use of City personnel by establishing, in consultation with department heads, overall department objectives, priorities and standards consistent with the goals and objectives of the Mayor and City Council; serve as a facilitator in the achievement by City departments of Mayor and City Council goals and in coordinating with department heads 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) Plan, organize and supervise City financial operations and keep the Mayor and City Council at all times advised as to the financial condition and needs of the City; prepare and deliver financial reports to the City Council as needed; supervise the preparation and administration of the City Budget as needed; supervise the preparation and administration of the City budget under the direction of the City Council; act as the Budget Officer as established by the Uniform Fiscal Procedures Act for Utah Cities as passed and amended by the Utah State Legislature; insure 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 Utah State Legislature; perform as internal auditor to assure conformity to financial goals and budgets and coordinate with external auditors.

(5) Represent the City at various meeting or other functions and respond to requests or inquires about City policies, rules, ordinances, regulations, resolutions or services rendered by the City government.

(6) Enforce all applicable laws, ordinances, rules and regulations 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 Mayor, City Council 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 City Council as requested.

(8) Be responsible for the overall personnel management function; implement city personnel ordinances and rules and regulations adopted by the City Council; coordinate personnel functions with department heads such as recruitment, selection and appointment; have authority to appoint and remove all employees of the City except the following named officers: City Recorder, City Treasurer, City Attorney, Fire Chief, Police Chief, City Engineer, Director of Building Inspection/Planning and Zoning, Assistant City Administrator and Public works Director; occupy 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 heads; and coordinate activities of City Attorney, City Engineer and other individuals rendering professional services under contract with the city.

(9) Manage city data processing and information systems; determine software and hardware needs; programmers, vendors and technicians to accomplish City data processing and information system objectives.

(10) Act as the City risk manager and implement policies and procedures related to risk elimination, reduction or transfer; acquire insurance and, if applicable, represent the City on the Board of Directors and committees of the Utah Local Governments Trust.

(11) Investigate into the affairs of the City and any department or division thereof, and any contract for the proper performance of any obligation of the City.

(12) Recommend to the Mayor and City Council the creation of all necessary departments, divisions, bureaus and offices necessary for the government of the City; prepare recommendations for the Mayor and City Council regarding the addition, deletion or reduction in municipal services.

(13) Attend and participate as requested by the government body in all meeting of the City Council, but shall not have a right to vote in said meetings.

(14) Keep a current inventory accounting for real and personal property of the City and its location; care for and maintain all such property including equipment, buildings, parks and other City property which is not assigned to some other officer or governmental body for care and control.

(15) Perform all other duties, obligations and exercise the powers set forth by ordinance, resolution, regulation, or directive imposed by the governing body.

(l) Department Cooperation. It shall be the duty of all subordinate City employees and officers and the Police Department, Court, City Engineer, City Treasurer and City Attorney to cooperate with the City Administrator in administering the affairs of the City efficiently, economically and harmoniously.

(m) Planning and Zoning. Notwithstanding the foregoing, the City Administrator shall exercise no authority over the Planning Commission or the Board of Adjustments of the City.

(n) Performance Evaluation. The governing body shall annually evaluate the performance of the City Administrator in a meeting between the City Administrator and the governing body. This meeting shall serve as a forum to evaluate past performance of the City Administrator and to establish goals and objectives for the coming year.

(o) Powers of the Mayor Not Delegated. Nothing herein shall be construed to delegate to the City Administrator the legislative and judicial powers of the

Mayor, his or her position as chairman of the governing body or any ex-officio position which the Mayor shall hold.

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