

**APPLE VALLEY
ORDINANCE O-2024-01**

WHEREAS, Utah Code Annotated 10-3b-104 establishes the powers and duties of a mayor in a five-member council and allows for those powers and duties to be modified by ordinance from time to time; and

WHEREAS, the Town of Apple Valley has previously adopted an ordinance creating the Office of Town Administrator and assigned certain duties to that office; and

WHEREAS, the council now desires to repeal the ordinances creating the Office of the Town Administrator and to assign certain powers and duties to the mayor.

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

SECTION 1: **REPEAL** “2.15 Town Administrator” of the Apple Valley Municipal Code is hereby *repealed* as follows:

R E P E A L

2.15 Town Administrator

~~**Section 1. Office of Town Administrator Created**~~

~~The office of Town Administrator is hereby created and established pursuant to U.C.A. 2011, § 10-3b-403, and shall continue in force and effect as an appointed office of the Town.~~

~~**Section 2. Appointment**~~

~~The town administrator shall be appointed by the mayor with the advice and consent of the town council.~~

~~**Section 3. Term of Office**~~

~~The Town Administrator shall serve at the pleasure of the town council for an indefinite period.~~

~~**Section 4. Residency**~~

~~Residency in the town of a town administrator shall not be required as a condition of appointment.~~

Section 5. Compensation

The town administrator shall receive such compensation as the town council shall, from time to time, determine.

Section 6. Powers and Duties

Pursuant to the authority outlined in U.C.A. 2011, § 10-3b-403, and under the direction and control of the town council, the town administrator shall be responsible for the efficient management of all administrative affairs of the town. In addition to the general powers as chief administrative officer, the town administrator shall have the following powers, duties, and obligations:

- A. Enforcement. The town administrator shall faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the town are observed.
- B. Authority for employees. The town administrator shall have the authority, to control, order, and give directions to all heads of departments and to subordinate officers and employees of the town through their respective department heads.
- C. Power of appointment and removal. It shall be the duty of the town administrator to appoint, remove, promote, and demote any and all officers and employees of the Town, subject to all applicable personnel ordinances, rules and regulations, except for the positions of town recorder, town treasurer, town attorney and town department heads, which shall only be appointed, demoted or removed with the advice and consent of the town council.
- D. Direct and supervise administration. It shall be the duty of the town administrator to direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by law.
- E. Implement and recommend policies and programs. The town administrator shall carry out the policies and programs established by the town council.
- F. Ordinances. The town administrator shall recommend to the town council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.
- G. Attendance at town council meetings. It shall be the duty of the town administrator to attend all meetings of the town council, unless excused therefrom by the mayor or the town council, and to take part in the discussions and to recommend matters for adoption by the town council, but without the right to vote.
- H. Financial reports. It shall be the duty of the town administrator to keep the town council fully advised at all times as to the financial condition and needs of the Town. The town administrator shall prepare and submit monthly financial reports to the town council for its information and review.

- ~~I. Budget. The town administrator shall prepare and submit the proposed annual budget and capital improvements program to the town council for its approval and in accordance with all state laws and regulations. The town administrator shall serve as the town budget officer.~~
- ~~J. Expenditure control and purchasing. It shall be the duty of the town administrator to manage all expenditures in accordance with state law and the town purchasing policy.~~
- ~~K. Investigations and complaints. It shall be the duty of the town administrator to make investigations into the affairs of the Town. It shall be the duty of the town administrator to investigate all complaints in relation to matters concerning the administration of the town government. The town administrator shall examine and inspect the books, records and official papers of any office, department, agency, board or commission of the town and make investigations and require reports from all personnel.~~
- ~~L. Public buildings. It shall be the duty of the town administrator to exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the Town.~~
- ~~M. Emergencies. The town administrator shall notify the town council of any emergency that may arise in the Town.~~
- ~~N. Additional duties. It shall be the duty of the town administrator to perform such other duties and exercise such other powers as may lawfully be delegated to the town administrator from time to time by ordinance or resolution or other official action of the town council.~~

Section 7. Removal From Office

The removal of the town administrator shall be affected only by a majority vote of the town council. The town council may, without any particular showing of cause, remove the town administrator from office. The town council's action shall be final.

Section 8. Resignation

The town administrator shall give the town council 30 days' notice in writing of the intent to resign as town administrator. The town council may waive this requirement for good cause.

SECTION 2: ADOPTION “2.09.010 Powers And Duties” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.010 Powers And Duties(*Added*)

Powers and Duties.

The Mayor shall be responsible for the efficient management of all administrative affairs of the town, including the following powers, duties, and obligations:

SECTION 3: **ADOPTION** “2.09.020 Enforcement” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.020 Enforcement(*Added*)

Enforcement.

The Mayor shall faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the town are observed.

SECTION 4: **ADOPTION** “2.09.030 Represent” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.030 Represent(*Added*)

Represent.

It shall be the duty of the Mayor to represent the town at various meetings or other functions and respond to requests or inquiries about town policies, rules, ordinances, regulations, resolutions or services rendered by the Town.

SECTION 5: **ADOPTION** “2.09.040 Authority For Employees” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.040 Authority For Employees(*Added*)

Authority for employees.

The Mayor shall have the authority, to control, order, and give directions to all heads of departments and to subordinate officers and employees of the town through their respective department heads.

SECTION 6: **ADOPTION** “2.09.060 Power Of Appointment And Removal” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.060 Power Of Appointment And Removal(*Added*)

Power of appointment and removal.

It shall be the duty of the Mayor to appoint, remove, promote, and demote any and all officers and employees of the Town, subject to all applicable personnel ordinances, rules and regulations, except for the positions of town recorder, town treasurer, town attorney and town department heads, which shall only be appointed, demoted or removed with the advice and consent of the town council.

SECTION 7: **ADOPTION** “2.09.070 Direct And Supervise Administration” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.070 Direct And Supervise Administration(*Added*)

Direct and supervise administration.

It shall be the duty of the Mayor to direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by law.

SECTION 8: **ADOPTION** “2.09.080 Implement And Recommend Policies And Programs” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.080 Implement And Recommend Policies And Programs(*Added*)

Implement and recommend policies and programs.

The Mayor may recommend policies and programs to the Town Council for adoption and shall carry out the policies and programs established by the town council.

SECTION 9: **ADOPTION** “2.09.090 Ordinances” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.090 Ordinances(*Added*)

Ordinances.

The Mayor shall recommend to the town council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.

SECTION 10: **ADOPTION** “2.09.100 Financial reports” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.100 Financial reports(*Added*)

Financial reports.

It shall be the duty of the Mayor to keep the town council fully advised at all times as to the financial condition and needs of the Town. The Mayor shall prepare and submit monthly financial reports to the town council for its information and review.

SECTION 11: **ADOPTION** “2.09.110 Budget” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.110 Budget(*Added*)

Budget.

The Mayor shall prepare and submit the proposed annual budget and capital improvements program to the town council for its approval and in accordance with all state laws and regulations.

SECTION 12: **ADOPTION** “2.09.120 Expenditure Control And Purchasing” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.120 Expenditure Control And Purchasing(*Added*)

Expenditure control and purchasing.

It shall be the duty of the Mayor to manage all expenditures in accordance with state law and the town purchasing policy.

SECTION 13: **ADOPTION** “2.09.130 Investigations And Complaints” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.130 Investigations And Complaints(*Added*)

Investigations and complaints.

It shall be the duty of the Mayor to make investigations into the affairs of the Town. It shall be the duty of the Mayor to investigate all complaints in relation to matters concerning the administration of the town government unless a complaint is against or concerns the Mayor, in which case the Town Council shall appoint a member of the Town Council to investigate the complaint. The Mayor shall examine and inspect the books, records and official papers of any office, department, agency, board or commission of the town and make investigations and require reports from all personnel.

SECTION 14: **ADOPTION** “2.09.140 Public Buildings” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.140 Public Buildings(*Added*)

Public buildings.

It shall be the duty of the Mayor to exercise general supervision over all public buildings, public parks and all other public properties which are under the control and jurisdiction of the Town.

SECTION 15: **ADOPTION** “2.09.150 Emergencies” of the Apple Valley Municipal Code is hereby *added* as follows:

ADOPTION

2.09.150 Emergencies(*Added*)

Emergencies.

The Mayor shall notify the town council of any emergency that may arise in the Town.

REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from January 2, 2024.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Michael Farrar	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Janet Prentice	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Michael Farrar, Mayor, Apple Valley