

ORDINANCE NUMBER 2018-12

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, CHAPTER 3, ARTICLE 3-1, SECTION 3-1-2, ARTICLE 3-2, SECTION 3-2-6 (N)(1-2), ARTICLE 3-3, SECTION 3-3-1 (E), SECTION 3-3-2 AND CHAPTER 12, ARTICLE 12-4, SECTION 12-4-3(C); ALL SUCH CHANGES NEEDED TO CLARIFY THE CHANGE OF TITLE FOR THE DIRECTOR OF ADMINISTRATION AND GOVERNMENT AFFAIRS TO CHIEF FINANCIAL OFFICER

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Article 3-1, Offices in General, Section 3-1-2, is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

CHAPTER 3 ADMINISTRATION

Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, ~~Director of Administration and Government Affairs~~, **Chief Financial Officer** Public Works Director, Community Development Director, Town Engineer, Town Clerk, and Town Zoning Administrator shall be performed by person(s) appointed or designated by the Town Manager.

Section 2. Article 3-2, Town Manager, Section 3-2-6 (N)(1-2), is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

Section 3-2-6 Powers and Duties 447 463 465 488 579 584 599 623

The Town Manager shall be the Chief Administrative Officer of the government of the Town under the direction and control of the Mayor and Council except as otherwise provided in this chapter. He shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following subsections:

- A. General Administrative Supervision. Execute on behalf of the Mayor and Council general administrative supervision and control of the affairs of the Town, and enforce the provisions of this Code.
- B. Appointment and Removal of Officers and Employees. Appoint, remove, suspend, promote, and demote appointive officers and employees of the Town. He may recommend appointment and removal of the Attorney, and Magistrate. The power of appointment and removal of officers and employees is subject to all applicable ordinances, personnel rules, and regulations.
- C. Attendance at Council Meetings. Attend meetings of the Town Council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services, or activities under his supervision upon which the Council shall be informed.
- D. Coordination of Administrative Functions. Coordinate the administrative functions and operations of the various departments, boards, divisions, and services of the Town government, and on its behalf carry out policies, rules, regulations, and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions, or services.
- E. Budget. Cause to be prepared and submitted to him by each department, board, division, or service of the Town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Town Council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers, or changes in any of the items included in all preliminary budget.
- F. Purchasing. Supervise the expenditures of all departments, divisions, or services of the Town government and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment, and material which may be required for any of such departments, divisions, or services, in compliance with Article 3-8 of this Code (Procurement and Materials Management). ^{87 447}
- G. Recommendations to Council. Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof, and make such recommendations to the Town Council with reference thereto, as in his judgment will result, if made effective, in the highest degree of efficiency in the overall operation of the Town government.
- H. Development of Improvement Projects and Programs. Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion.

- I. Public Relations. Serve as a public relations officer of the Town government, and follow through and endeavor to adjust all complaints filed against any employee, department, or service thereof to the end that every effort may be made to satisfy all citizens that their Town government is being operated in their behalf with the highest degree of efficiency.
- J. Community Organizations. Cooperate with all community organizations whose aim and purpose it is to advance the spiritual and material interests of the Town and its residents to provide them with all reasonable assistance obtainable through the Town government within the limitations of the law.
- K. Personal Property of Town. Make and keep an up-to-date inventory of all personal property owned by the Town and recommend to the Town Council the purchase of new machinery, equipment, and supplies whenever, in his judgment, the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use.
- L. Consolidation, Abolishment, Etc., of Town Offices. Make, or cause to be made, studies and surveys of the duties, responsibilities, and work of the personnel in the various departments and services of the Town government, and to recommend to the Town Council abolition or consolidation of positions whenever in his judgment, such action would increase efficiency in the administration of the Town government.
- M. Devotion of Time to Duties. Devote such time to his duties as shall be prescribed by the Town Council in the resolution authorizing his employment.
- N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: ^{463 465 488 579 584 599 623}
 - 1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Deputy Town Manager**, Mayor, Vice Mayor, or the Town Clerk ~~Director of Administration and Governmental Affairs~~ are authorized to sign and countersign. ~~During any period of absence of the Town Manager or the Budget and Finance Director the Town Clerk shall have the same authority to sign and countersign checks as the Town Manager and the Budget and Finance respectively.~~
 - 2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by either the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Director of Administration and Government Affairs~~ **Deputy Town Manager**.
- O. Additional Duties. Perform such other duties as may be required of him by the Mayor and Town Council, not inconsistent with the laws of the State or the ordinances of the Town.

Section 3. Article 3-3, Other Offices, Section 3-3-1(E) and Section 3-3-2, are hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

Section 3-3-1 Clerk ^{12 13 14 449 579 623}

- A. Records. The Clerk shall keep a true and correct copy 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, 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 his control, as provided by State statute.
- C. Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.
- D. Ordinances, Resolutions, Budgets, and Notices. The Clerk shall process, record, file, publish, and post ordinances resolutions, budgets, and notices in accordance with state statutes. ⁴⁴⁹
- E. Treasurer. The Clerk shall delegate the duties of treasurer of the Town to the ~~Director of Administration and Government Affairs,~~ **Chief Financial Officer**, who shall have the care, control and custody of the money of the Town. **The Chief Financial Officer shall also be designated, pursuant to A.R.S. § 41-1279.07(E), to submit the Expenditure Limitation Report to the Office of the Auditor General.**
- 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 or this Code.
- H. The Town Clerk shall have a formal Seal of Office, and this Seal of Office, when stamped upon or affixed to any Town document or record, shall be prima facie evidence that such a Town document or record is genuine and authentic, and a Town document or record certified as provided by this subsection shall be admissible in any judicial or administrative proceeding without further foundation. ¹³
- I. At any meeting of the Town Council, the Town Clerk may administer an oath to tell the truth to any person who wishes to speak to or present evidence to the Council, ~~as provided by Section 2-4-5 (D) of this Code.~~

Section 3-3-2 Police Chief ^{614 623}

The Police Chief shall also be appointed as the Town Marshal, and as Town Marshal, shall assign all duties related to the collection of taxes to the ~~Director of Administration and Government Affairs~~. **Chief Financial Officer**. The Police Chief shall be responsible to the Town Manager for the proper administration of the law enforcement department. In addition to his general powers as administrative head, the Police Chief shall:

- A. Be responsible for the enforcement of all Town of Paradise Valley ordinances and laws of the State and the nation which provide for police enforcement.
- B. Recommend appointment, discharge, or suspension of all employees of the department to the Town Manager.
- C. Conduct investigations as required or necessary.

Section 4. Article 12-4, General Responsibilities of the Presiding Judge, Section 12-4-3(C), is hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

Section 12-4-3 Court Enhancement Fee

- A. There is created a Court Enhancement Fund, which shall be used exclusively to enhance the staffing, technology, security or facilities of the Municipal Court.
- B. The Court Enhancement Fund shall be funded by a Court Enhancement Fee applied per charge, which shall be applied by the Municipal Court on all fines, sanctions, penalties and assessments imposed by the Municipal Court. The fee shall also apply to court administrative fees and process service fees.
- C. The Court Enhancement Fund shall be established as a designated fund account with the Budget and Finance Director. The Municipal Court shall collect Court Enhancement Fees and deposit them in the Court Enhancement Fund account. The ~~Director of Administration and Government Affairs~~ **Chief Financial Officer** shall invest the monies in the fund in the same manner as Town funds. Interest earned on fund monies shall be deposited in the fund.
- D. The Municipal Court shall administer, through the annual budget process of the Town of Paradise Valley, and may make expenditures from the Court Enhancement Fund for the purposes provided in this section. Monies from the fund shall supplement monies already provided for the Municipal Court for the general purposes stated in this section.
- E. The Municipal Court shall annually submit to the Town Manager a report detailing the amount of money collected and expended during the reporting period and the progress made in court enhancement.

Section 5: This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona,
this 31st day of May, 2018.

Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2018.

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM:

Andrew M. Miller, Town Attorney