

## ORDINANCE NO. 2023-04

### AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AMENDING PARADISE VALLEY TOWN CODE CHAPTER 3, ADMINISTRATION, ARTICLES 3-1 (OFFICES) AND 3-4 (PERSONNEL SYSTEM); AND PROVIDING FOR SEVERABILITY.

**WHEREAS**, the Mayor and Council are responsible for establishing Town offices, appointing Town officers, and ensuring the orderly administration of the Town personnel system in accordance with principles of good personnel administration;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Town of Paradise Valley, as follows:

Section 1. The foregoing recitals are hereby referred to, adopted, and made a part hereof as if fully set forth herein.

Section 2. The Town Code, Chapter 3 (Administration Code), Article 3-1 (Offices), Section 3-1-1 (Offices) is hereby amended as follows, with all other provisions of Article 3 remaining unchanged (deletions in ~~strikethrough~~; additions in **bold**):

#### Section 3-1-1 Offices

There are hereby created the offices of Town Manager, Town Clerk, Police Chief, Town Engineer, Town Attorney, ~~and~~ Town Magistrate, **Public Works Director, Community Development Director, Chief Financial Officer, and Chief Information Officer**, and the person appointed to head each of these offices shall be a Town officer. The Town Manager, Town Attorney, and Town Magistrate shall be appointed by and shall serve at the pleasure of the Town Council. All other officers shall be appointed by and shall serve at the pleasure of the Town Manager.

Section 3. The Town Code, Chapter 3 (Administration Code), Article 3-1 (Offices), Section 3-1-2 (Additional Offices) is hereby amended as follows, with all other provisions of Article 3 remaining unchanged (deletions in ~~strikethrough~~; additions in **bold**):

#### Section 3-1-2 Additional Offices

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

Section 4. The Town Code, Chapter 3 (Administration Code), Article 3-4 (Personnel System), Section 3-4-1 (Creation and Scope) is hereby amended as follows, with all other provisions of Article 3 remaining unchanged (deletions in ~~striketrough~~; additions in **bold**):

Section 3-4-1 Creation and Scope

There is hereby adopted a merit system for the employees of the Town, the provisions of which shall apply to all employees of the Town except elected officials, **Town officers**, persons engaged under contract to supply expert, professional, or technical services, temporary employees, volunteer firemen, and volunteer personnel who receive no regular compensation from the Town.

Section 5. The Town Code, Chapter 3 (Administration Code), Article 3-4 (Personnel System), Section 3-4-2 (Conditions of Employment) is hereby amended as follows, with all other provisions of Article 3 remaining unchanged (deletions in ~~striketrough~~; additions in **bold**):

Section 3-4-2 Conditions of Employment

~~The appointment, promotion, and tenure of every employee shall be conditioned solely on merit and fitness and the satisfactory performance of the duties and responsibilities assigned.~~ No employee or applicant for employment shall be discriminated against or harassed on the basis of race, color, religion, sex, age, handicap, or national origin.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or of the amendments hereby adopted, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise Valley this 6th day of June, 2023.

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Jerry Bien-Willner, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM:

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Andrew J. McGuire, Town Attorney