

## **ORDINANCE NO. 518 N.S.**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, CHAPTER 2, ADMINISTRATION, ARTICLE 2-3, CITY OFFICERS, AND ARTICLE 2-6, MAGISTRATE COURT, RELATING TO THE APPOINTMENT OF CITY OFFICERS.

**BE IT ORDAINED** BY THE CITY COUNCIL OF THE CITY OF TOLLESON as follows:

SECTION 1. The City of Tolleson City Code (the "City Code"), Chapter 2, Administration, Article 2-3, City Officers, is hereby deleted in its entirety and replaced with the following:

### ***OFFICERS IN GENERAL***

#### **§ 2-3-1 OFFICERS.**

There are hereby created the offices of Chief Magistrate, City Attorney, City Clerk, City Engineer, City Manager, Community Services Director, Field Operations Director, Finance Director, Fire Chief, Library Director, Police Chief, Utilities Director, Assistant City Manager, Economic Development Director, Human Resources Director and Information Technology Director. The Chief Magistrate, the City Attorney, and the City Manager shall be appointed by the Council and, with the exception of the Chief Magistrate, shall serve at the pleasure of the Council. The City Clerk, City Engineer, Community Services Director, Field Operations Director, Finance Director, Fire Chief, Library Director, Police Chief, Utilities Director, Assistant City Manager, Economic Development Director, Human Resources Director and Information Technology Director shall be appointed by the City Manager as provided in this Article.

#### **§ 2-3-2 ADDITIONAL OFFICERS.**

The City Manager may appoint and remove, from time to time, other officers as it may deem necessary and that are not provided for in this code or state statute.

#### **§ 2-3-3 BOND.**

(A) The City Manager may require any officer of the city to give bond for the due discharge of his or her duties in sums and with security as the City Manager may direct and approve. The city shall pay the costs of the bond. The provided bond may be provided by the city's insurer.

(B) At the discretion of the City Manager, the bond may be in the form of a blanket bond with the coverage as deemed necessary.

#### **§ 2-3-4 VACANCIES; HOLDING MORE THAN ONE OFFICE.**

(A) Any vacancy that shall occur in any city office appointed by the Council shall be filled by appointment by the Council. Any vacancy that shall occur in any city office appointed by the City

Manager shall be filled by appointment by the City Manager.

(B) One person may hold more than one office at the discretion of the Council.

(C) The functions of a city official may be validly performed and discharged by a deputy or another city official, or an otherwise qualified individual not holding office, but employed at the pleasure of the Council.

#### **§ 2-3-5 ADDITIONAL POWERS AND DUTIES.**

In addition to any powers and duties prescribed in this code, each officer shall have further powers, perform further duties and hold other office as may be provided by the City Manager or Council through ordinance, resolution or order.

### ***OFFICERS***

#### **§ 2-3-20 CHIEF MAGISTRATE.**

(A) *Office created.* The office of the Chief Magistrate of the City of Tolleson is hereby created and established. The Chief Magistrate shall be appointed by the Council to serve a term of two years.

(B) *Compensation.* The Chief Magistrate shall receive compensation as the Council shall fix from time to time by ordinance, resolution, motion or contract and the compensation shall not be decreased during the Chief Magistrate's term of office.

(C) *Removal from office.* The Council may suspend or remove the Chief Magistrate if the Chief Magistrate:

(1) Pleads guilty or no contest or is found guilty of a crime punishable as a felony under any law of this state or a federal law, or of any other crime that involves moral turpitude under the law;

(2) Has a disability that seriously interferes with the performance of the Magistrate's duties and is, or is likely to become, permanent;

(3) Engages in actions that constitute willful misconduct in office, willful and persistent failure to perform the Magistrate's duties, habitual intemperance or conduct prejudicial to the administration of justice that brings the judiciary and judicial office into disrepute;

(D) *Powers and duties.* The powers and duties of the Chief Magistrate shall include:

(1) The powers and duties set forth and conferred upon the Magistrate under the provisions of the state constitution and statutes, this code and the ordinances and resolutions of the city;

(2) The keeping of a docket in which shall be entered each action and the proceedings of the

Court therein;

(3) The responsibility for fixing and receiving all bonds and bails and receiving all fines, penalties, fees and other monies as provided by law;

(4) Payment of all fees, fines, penalties and other monies collected by the Court to the Treasurer;

(5) Submitting a monthly report to the Council summarizing Court activities for that month; and

(6) Perform any other duties as may be required by the Council, not inconsistent with state law or city ordinances.

## **§ 2-3-21 CITY ATTORNEY.**

(A) *Office created.* The office of the City Attorney of the City of Tolleson is hereby created and established. The City Attorney shall be appointed by the Council wholly on the basis of professional experience, ability and qualifications and shall hold office for and at the pleasure of the Council.

(B) *Bond.* The City Attorney shall furnish a corporate surety bond to be approved by the Council in sums as may be determined by the Council. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Attorney as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The City Attorney shall receive compensation as the Council shall fix from time to time by ordinance, resolution or motion.

(D) *Removal procedure.* The City Attorney may be removed with or without cause by a majority vote of the Council. If requested, the Council shall grant the City Attorney a public hearing within 30 days following notice of removal. During the interim, the Council may suspend the City Attorney from duty but shall continue his or her salary. If the removal becomes final, the Council may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the City Attorney to:

(1) The City Attorney shall act as the legal counselor and advisor of the Council and other city officials, and as such shall give his or her opinion in writing when requested;

(2) The City Attorney shall draft all deeds, contracts, conveyances, ordinances, resolutions and other legal instruments when required by the Council;

(3) The City Attorney shall approve as to form, in writing, all drafts of contracts and all official or other bonds before final approval or acceptance thereof by the Council;

(4) The City Attorney shall return, within ten days, all ordinances and resolutions submitted to him or her for consideration by the Council, with his or her approval or disapproval as to form noted thereon, together with his or her reasons therefor;

(5) The City Attorney shall prosecute and defend all suits, actions or causes where the city is a party and shall report to the Council, when required, the condition of any suit or action to which the city is a party; and

(6) Perform any other duties as may be required by the Council, not inconsistent with state law or city ordinances.

## **§ 2-3-22 CITY CLERK.**

(A) *Office created.* The office of the City Clerk of the City of Tolleson is hereby created and established. The City Clerk shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The City Clerk shall furnish a corporate surety bond to be approved by the City Manager in the sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Clerk as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The City Clerk shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The City Clerk may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.*

(1) The City Clerk shall keep a true and correct record of all the business transacted by the Council. The City Clerk shall give notice of all Council meetings; keep a permanent record of the Council's proceedings; authenticate by his or her signature and maintain, as permanent records of the city, all ordinances and resolutions passed by the Council; compile and maintain the City of Tolleson Code; and perform any other duties as shall be required by state statute or code.

(2) The City Clerk shall keep convenient for public inspection all public records and public documents under the City Clerk's control, as provided by state statute.

(3) The City Clerk shall countersign all contracts approved by the City Council and executed by the Mayor, numbering and registering the same, and maintain them in accordance with state records retention laws.

(4) The City Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.

(5) The City Clerk shall serve as the elections official for the city, and shall conduct all municipal elections to ensure conformity with the City Code, city ordinances, Arizona Revised Statutes, and the Voter's Rights Act.

(6) The City Clerk shall administer the city's records management program to ensure consistency and compliance with state law, and to protect and preserve the permanent records of the city.

(7) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

### **§ 2-3-23 CITY ENGINEER.**

(A) *Office created.* The office of the City Engineer of the City of Tolleson is hereby created and established. The City Engineer shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The City Engineer shall furnish a corporate surety bond to be approved by the City Manager in the sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Engineer as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The City Engineer shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The City Engineer may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Duties.* The City Engineer shall have those powers and duties set forth by state law as well as city ordinance, resolution, order or directive. The City Engineer shall have charge of the city streets and public works and shall perform duties as may be required by law and any other duties as the City Manager may deem necessary.

(F) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

### **§ 2-3-24 CITY MANAGER.**

(A) *Office created.* The office of the City Manager of the City of Tolleson is hereby created and established. The City Manager shall be appointed by the Council wholly on the basis of administrative and executive ability and qualifications and shall hold office for and at the pleasure of the Council. The Council may enter into an employment contract with the City Manager upon the terms and conditions deemed appropriate.

(B) *Bond.* The City Manager shall furnish a corporate surety bond to be approved by the Council in sums as may be determined by the Council. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Manager as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The City Manager shall receive compensation as the Council shall fix from time to time by ordinance, resolution, motion or contract.

(D) *Removal procedure.* The City Manager may be removed with or without cause by a majority vote of the Council. If requested, the Council shall grant the City Manager a public hearing within 30 days following notice of removal. During the interim, the Council may suspend the Manager from duty but shall continue the Manager's salary. If the removal becomes final, the Council may provide severance pursuant to the terms of an employment contract, or otherwise, in an amount deemed appropriate but not to exceed six months' salary.

(E) *Powers and duties.* The City Manager shall be the administrative head of the government of the city under the direction and control of the Council except as otherwise provided in this chapter. The City Manager shall be responsible to the Council for the proper administration of all affairs of the city. In addition to the City Manager's general powers as administrative head and not as a limitation thereon, it shall be the Manager's duty and the Manager shall have the powers set forth in the following subsections.

(1) Appoint, and, when necessary for the good of the city, suspend or remove all officers and employees of the city not appointed by the Council. The City Manager may authorize the head of a department or office to appoint, suspend or remove subordinates in the department or office.

(2) Prepare the budget annually and submit it to the Council together with a message describing the important features and be responsible for its administration after adoption.

(3) Prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city during the preceding year.

(4) Keep the Council advised of the financial condition and future needs of the city and make recommendations as are deemed appropriate.

(5) Recommend to the Council merit provisions and a standard schedule of pay for each appointive office and position in the city service, including minimum, intermediate and maximum rates.

(6) Recommend to the governing body from time to time adoption of the measures deemed necessary or expedient for the health, safety or welfare of the community or for the improvement of administrative services.

(7) Consolidate or combine offices, positions, departments or units under the Manager's jurisdiction, with the approval of the Council. The Manager may be the head of one or more departments.

(8) Attend all meetings of the Council unless excused therefrom and take part in the discussion of all matters coming before the Council. The Manager shall be entitled to notice of all regular and special meetings of the Council.

(9) In case of accident, disaster or other circumstance creating a public emergency, the Manager may award contracts and make purchases for the purpose of meeting the emergency; but the Manager shall file promptly with the Council a certificate showing the emergency and the necessity for the action, together with an itemized account of all expenditures.

(10) See that all laws and ordinances are duly enforced.

(11) Investigate the affairs of the city or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed.

(12) Perform any other duties as may be required by the Council, not inconsistent with state law or city ordinances.

(F) *Council not to interfere with appointments or removals.* With regard to officers and employees appointed by the City Manager, neither the Council nor any of its members shall direct or request the appointment of any person to, or removal or suspension from the office by the Manager or any of the Manager's subordinates, or in any manner take part in the appointment or removal of the officers and employees in the administrative services of the city. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager.

## **§ 2-3-25 COMMUNITY SERVICES DIRECTOR.**

(A) *Office created.* The office of the Community Services Director of the City of Tolleson is hereby created and established. The Community Services Director shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Community Services Director shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Community Services Director as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Community Services Director shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Community Services Director may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the Community Services Director to:

- (1) Plan, develop and implement social programs and activities for individuals and families in need;
- (2) Provide emergency assistance to individuals and families in need;
- (3) Plan, develop and implement programs and activities for special populations;
- (4) Plan, develop and implement programs promoting decent, safe and affordable housing and neighborhood revitalization within the city;
- (5) Provide information and referral services to the citizens;
- (6) Advocate for individuals and families in need;
- (7) Promote cultural diversity, cultural understanding, family values and citizen participation through special events and other activities;
- (8) Promote comprehensive service delivery models to individuals and families in need through the development of collaborative efforts with social service, governmental and private agencies; and
- (9) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

#### **§ 2-3-26 FIELD OPERATIONS DIRECTOR.**

(A) *Office created.* The office of Field Operations of the City of Tolleson is hereby created and established. The City Field Operations Director shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Field Operations Director shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Field Operations Director as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Field Operations Director shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Field Operations Director may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the Field Operations Director to:



(1) Plan, develop, and manage the Field Operations Department's goals, objectives and work plans to serve the residents;

(2) Plan, direct and coordinate activities related to streets, storm drains and improvement districts; land measurement control; policies and procedures for work in the public right-of-way;

(3) Be responsible for the performance and coordination of building maintenance, communications, electrical maintenance, and equipment management for the development, operation and improvement of service centers, for conducting sanitation inspections, for enforcing sanitation regulations pertaining to solid waste, and for the administration of all contracts involving the Field Operations Department;

(4) Be responsible for control and inspection of work in the public right-of-way; street and storm drain capital improvement planning; street maintenance; storm drain system maintenance; traffic safety coordination; traffic engineering safety, planning, design of traffic control systems, and street geometric design; operation, construction and maintenance of city traffic control devices and street lighting systems and assistance in transportation planning; and

(5) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

#### **§ 2-3-27 FINANCE DIRECTOR.**

(A) *Office created.* The office of Finance of the City of Tolleson is hereby created and established. The City Finance Director shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Finance Director shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Finance Director as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Finance Director shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Finance Director may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Duties.* The Finance Director shall have those powers and duties set forth by state law as well as city ordinance, resolution, order or directive. The Finance Director shall have charge of the city's Finance Department and shall perform duties as may be required by law and any other duties as the City Manager may deem necessary:

- (1) Accept, record and deposit all cash received into the city;
- (2) Disburse cash as required to satisfy all claims against the city and required debt incurred by the city;
- (3) Provide an efficient financial management system to account for all transactions of a financial nature;
- (4) Invest all idle funds in accordance with the City Code to enhance interest earnings;
- (5) Prepare and administer an annual budget in accordance with the City Code and the laws of the state;
- (6) Procure goods and services through the most efficient process available consistent with the mandates of the City Code;
- (7) Preserve and account for all fixed assets acquired by the city; and
- (8) Perform any additional duties as may be required by the City Manager.

## **§ 2-3-28 FIRE CHIEF.**

(A) *Office created.* The office of Fire Chief of the City of Tolleson is hereby created and established. The Fire Chief shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Fire Chief shall furnish a corporate surety bond to be approved by the City

Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Fire Chief as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Fire Chief shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Fire Chief may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the Fire Chief to:

(1) Be accountable to the City Manager for the personnel, morale and general efficiency of the Fire Department;

(2) Direct the operations of the Fire Department, subject to the rules and regulations thereof;

(3) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires;

(4) Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting the inspection, the Chief is hereby empowered to enter any and all buildings and premises within the city at any reasonable hour. Any person served with the written notice shall comply and notify the Chief of compliance within a reasonable time;

(5) Make a complete annual report, in writing, to the City Manager at a time as may be specified by the City Manager, and the report shall include a record of all fires, inspections, apparatus and equipment, personnel and other information about the work of the Department, together with comparative data for previous years and recommendations for improving the effectiveness of the Department;

(6) Enforce or cause to be enforced all ordinances, laws and regulations of the city and state, insofar as they pertain to fire and safety; and

(7) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

## **§ 2-3-29 LIBRARY DIRECTOR.**

(A) *Office created.* The office of the Library Director of the City of Tolleson is hereby created and established. The Library Director shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Library Director shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Library Director as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Library Director shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Library Director may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the Library Director to:

(1) Direct, supervise, administer and plan the activities of the Library Department;

(2) Act as staff advisor to the Library Board to assist it in the performance of its duties and to the City Manager; and

(3) Recommend any changes in the composition and operation of the library system as is deemed proper for the protection, maintenance and further development of the library system.

## **§ 2-3-30 POLICE CHIEF.**

(A) *Office created.* The office of Police Chief of the City of Tolleson is hereby created and established. The Police Chief shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Police Chief shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Police Chief as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Police Chief shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Police Chief may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Powers and duties.* It shall be the duty of the Police Chief to:

(1) Enforce the ordinances of the city and see that the rules and regulations of the Police Department are obeyed;

(2) Direct the operation of the Police Department, subject to the rules and regulations thereof;

(3) Arrest any person violating any of the city ordinances and take the violator before the Magistrate Court for trial;

(4) Take charge of the city jail and all prisoners confined therein. See that orders and sentences with reference to all those who are sentenced to labor on the streets or public works of the city are fully executed and complied with;

(5) Deliver any persons that may be confined in the jail upon conviction of a crime committed under the jurisdiction of the Magistrate Court, to an authorized officer of the city who shall at any time demand the prisoners. Any authorized person so demanding and receiving the prisoners shall work the prisoners on the streets or alleys of the city or on any and all authorized work as may be determined by the Council;

(6) Collect license fees if ordered to do so by city ordinance and pay over to the Treasurer all moneys received, taking receipts therefore;

(7) Render the accounts of the Police Department, his or her duties and receipts, as may be required by the City Manager. Keep the records of the Police Chief open to inspection by the City Manager at any time; and

(8) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

## **§§ 2-3-31 UTILITIES DIRECTOR.**

(A) *Office created.* The office of the Utilities Director of the City of Tolleson is hereby created and established. The Utilities Director shall be appointed by the City Manager wholly on the basis of professional experience, ability and qualifications.

(B) *Bond.* The Utilities Director shall furnish a corporate surety bond to be approved by the City Manager in sums as may be determined by the City Manager. The bond shall be conditioned upon the faithful performance of the duties imposed upon the Superintendent as herein prescribed. Any premium for the bond shall be proper charge against the city. Nothing in this division shall preclude the city from obtaining a blanket bond pursuant to the provisions of state law to satisfy this requirement.

(C) *Compensation.* The Utilities Director shall receive compensation as the City Manager shall fix from time to time.

(D) *Removal procedure.* The Utilities Director may be removed with or without cause by the City Manager subject to city personnel policies. The City Manager may provide severance in an amount deemed appropriate but not to exceed three months' salary.

(E) *Duties.* The Utilities Director shall have those powers and duties set forth by state law as well as city ordinance, resolution, order or directive. The Utilities Director shall have charge of the city's wastewater treatment plant and shall perform duties as may be required by law and any other duties as the City Manager may deem necessary:

(1) Direct the operation of the wastewater treatment plant, subject to the rules and regulations thereof; and

(2) Perform any other duties as may be required by the City Manager, not inconsistent with state law or city ordinances.

#### **§ 2-3-32 ASSISTANT CITY MANAGER.**

(A) The program established by this division is administered by an Assistant City Manager who shall be appointed by the City Manager.

(B) It shall be the duty of the Assistant City Manager to:

(1) Exercise administrative authority;

(2) Make reports;

(3) Prepare budget estimates;

(4) Provide services;

(5) Direct and supervise employees;

(6) Maintain necessary records; and

(7) Perform any additional duties relating to the conduct of city affairs as may be assigned by the City Manager.

#### **§ 2-3-33 ECONOMIC DEVELOPMENT DIRECTOR.**

(A) The program established by this division is administered by an Economic Development Director who shall be appointed by the City Manager.

(B) The duties of the Economic Development Director are the following:

(1) Responsible for community development; business development and workforce development; small business development; and redevelopment;

(2) Shall make recommendations to the Mayor and City Council on economic development issues, including, but not limited to, economic development goal setting, policy

recommendations, strategic planning, marketing and market analysis for future business recruitment and retention/expansion activities. It shall review annual marketing/action plans and make recommendations during plan formulation; and

(3) Shall advise the City Council on essential policies, rules, regulations and other matters relating to the economic development program of the City of Tolleson.

#### **§ 2-3-34 HUMAN RESOURCES DIRECTOR.**

(A) The human resources program established by this division is administered by a Human Resources Director who shall be appointed by the City Manager.

(B) The duties of the Human Resources Director are the following:

(1) Administer the provisions of this division and the human resources policies and procedures under the authority of the City Manager;

(2) Maintain adequate records application records of all applicants and employment record of all employees;

(3) Periodically prepare and recommend revisions of and amendments to the human resources policies and procedures to the City Manager; and

(4) Report the activities of the Human Resources Department to the City Manager.

#### **§ 2-3-35 INFORMATION TECHNOLOGY DIRECTOR.**

(A) The information technology program established by this division is administered by an Information Technology Director who shall be appointed by the City Manager.

(B) The duties of the Information Technology Director are the following:

(1) Serve as chief information officer for information technology;

(2) Provide administrative management duties in planning, developing, implementing, and directing the systems and operation of the Information Technology Services Department including system applications; and

(3) Report the activities of the Information Technology Department to the City Manager.

## ***LIABILITY INSURANCE***

### **§ 2-3-50 PROCUREMENT.**

The city shall, at all times, procure liability insurance in type and amount deemed necessary and appropriate and at rates deemed reasonable covering its officers, employees and agents while employed in their governmental or proprietary capacities.

### **§ 2-3-51 NOTICES OF CLAIM.**

Every city officer, employee and agent shall, upon receipt of any service of process commencing litigation against them or written notice of a possible claim, promptly give notice of the pendency of the action or the presentation of the claim to the City Clerk, who shall in turn present the actual or possible claim to the City Manager and City Attorney.

SECTION 2. The City Code, Chapter 2, Administration, Article 2-6, Magistrate Court, Section 2-6-2, Presiding Officers, is hereby amended as follows:

...

(B) *Substitute Magistrates.* In the event a substitute or alternate magistrate is required in any case in the Magistrate Court in which the Chief Magistrate ~~or Assistant Magistrate(s)~~ cannot serve, the City Manager, is hereby authorized to bring in a duly appointed city or town magistrate or justice of the peace from some other jurisdiction to hear the case in question. The substitute magistrate may be compensated with the approval of the City Manager in an amount not to exceed a maximum established by resolution of the City Council.

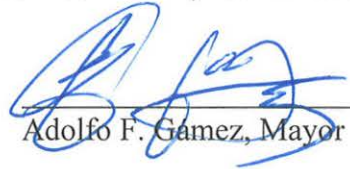
SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

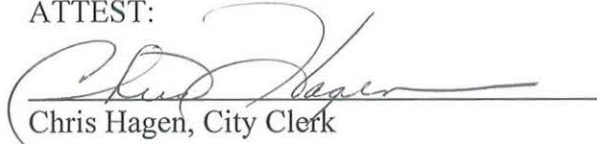
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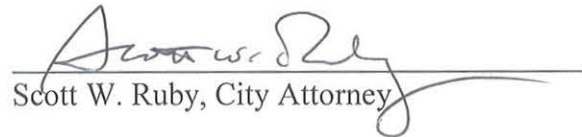
**PASSED AND ADOPTED** by this Council of the City of Tolleson, this 8th day of November, 2011.

  
Adolfo F. Gamez, Mayor

ATTEST:

  
Chris Hagen, City Clerk

APPROVED AS TO FORM:

  
Scott W. Ruby, City Attorney