

CHAPTER 3

ADMINISTRATION

ARTICLE 3-1 Officers in General

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Section 3-1-1 Officers

- A. There are created the offices of Town Manager, Town Clerk, Town Marshal, and Town Attorney, all of whom shall be appointed by the Council and shall serve at the pleasure of the Council. All other officers shall be appointed by the Town Manager.
- B. There is hereby created the office of Town Magistrate, who shall be appointed by the Council. The Magistrate shall serve for a term of two years with the beginning and end of the term to be specified at the time of appointment. During such term, a magistrate may be removed only for cause.
- C. Within six months of appointment, the Town Manager, Town Clerk, Police Chief, and Fire Chief shall reside in the Town of Jerome. Within six months of appointment, the Public Works Director shall reside within 15 miles of the Town of Jerome.

[Ord. 189, 10/13/1981; Ord. 199, 6/11/1985; Ord. 222, 1/10/1989; Ord. 341, 1/09/2007; Ord. 387, 5/10/2011; Ord. 431, 7/11/2017]

Section 3-1-2 Treasurer

The Town Clerk shall act as treasurer.

Section 3-1-3 Additional Officers

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

[Ord. 341, 1/09/2007]

Section 3-1-4 Bond

The Council may require each officer of the Town to give bond for the due discharge of his/her duties in such sums and with such security as it may direct and approve as determined by resolution and the Town shall pay the costs of such bond.

Section 3-1-5 Vacancies; Holding More Than One Office

Any vacancy that shall occur in any Town office shall be filled by appointment by the Town Manager and/or Council; provided that one person may hold more than one office and that, at the discretion of the Council, the functions of a Town official may be validly performed and discharged by a deputy or an otherwise qualified employee.

[Ord. 341, 1/09/2007]

Section 3-1-6 Additional Powers and Duties

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

[Ord. 341, 1/09/2007]

ARTICLE 3-2 Officers

- 3-2-1 Town Clerk
- 3-2-2 Town Marshal
- 3-2-3 Town Attorney
- 3-2-4 Town Magistrate
- 3-2-5 Town Manager

Section 3-2-1 Town Clerk

- A. Records. The Clerk shall keep a true and correct record 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/her control, as provided by state statute.
- C. Monthly Reports. The Clerk shall prepare and collect from Town officers and employees such monthly reports prepared in such manner and to include such information as may be directed by the Council.

- D. Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.
- E. Ordinances, Resolutions, Budgets and Notices. The Clerk shall process, record, file, publish, and if required by state statute, post all ordinances, resolutions, budgets and notices that may be passed by the Council. When the Town of Jerome sends any item or any change in any item to be published in the local newspaper, the Clerk will also post that information in the three places for notices registered with the Secretary of State.
- F. Duties as Treasurer. The Clerk shall hold the office of Town Treasurer and shall assist the Town Manager in his/her duties as finance director.
- G. Election Official. The Clerk shall be the Town election official and perform those duties required by state statute.
- H. Licenses. The Clerk shall issue or cause to be issued all licenses that may be prescribed by state statute or this code.
- I. Administrative Duties. The Clerk shall perform those administrative responsibilities and duties that are conferred upon him/her by the Council and/or the Town Manager in addition to those specified in this code.

[Ord. 223, 3/21/1989; Ord. 262, 10/13/1992; *Reviser's Note: Ord. 262 amended Section 3-2-1(E) as approved by the voters in Initiative I-92-1; Ord. 341, 1/09/2007*]

Section 3-2-2 Town Marshal

- A. The Marshal shall be the Chief of Police and shall be collector of all taxes of the Town provided that the collection of such taxes may be administered by the Clerk. He/she shall perform such duties as may be required of him/her by law and as the Council may deem necessary.
- B. Whenever the Police Chief or Marshal is mentioned it shall mean the person or agency designated by the Council to perform such duties.

Section 3-2-3 Town Attorney

The attorney shall act as the legal counselor and advisor of the Council and other Town officials, and as such shall give his/her opinion in writing when requested. He/she shall draft all deeds, contracts, conveyances, ordinances, resolutions, and other legal instruments when required by the Council. He/she 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. He/she shall return, within 10 days, all ordinances and resolutions submitted to him/her for consideration by the Council, with his/her approval or disapproval as to form noted thereon, together with his/her reasons therefore. He/she shall prosecute and defend all suits, actions, or causes where the Town is a party, and shall report to the Council, when required, the condition of any suit or action to which the Town is a party.

Section 3-2-4 Town Magistrate

The Town Magistrate shall be the presiding officer of the Magistrate's court and shall be selected by the Council and shall perform those functions necessary to the maintenance of a magistrate's court as provided by state statute.

Section 3-2-5 Town Manager

- A. Office created. The office of the Manager is hereby created. The Manager shall be appointed by a majority vote of the Council for an indefinite term. The Manager shall be chosen on the basis of his/her executive and administrative qualifications and his/her knowledge of accepted practice with respect to the duties of his/her office as set forth in Section 3-2-5(G).
- B. Bond. The Town Manager shall furnish a corporate surety bond to be approved by the Council in such a sum as may be determined by the Council and shall be conditioned on the faithful performance of the duties imposed on the Town Manager as herein prescribed. The Town shall pay the bond fee.
- C. Eligibility. No member of the Council shall be eligible to be appointed to the office of Manager during the term for which the member shall have been elected.
- D. Compensation. The Manager shall receive such compensation as the Council shall fix from time to time.
- E. Removal from office. The Manager may be removed with or without cause by the Council by majority vote of the membership of the Council. The action of the Council in removing the Manager shall be final.
- F. Resignation. The Manager shall give in writing a sixty (60) day notice of his/her intention to resign before leaving, resigning, or quitting the office of Town Manager.
- G. Powers and duties. The Manager shall be the chief administrative officer and head of the administrative branch of the Town government. He/she shall be responsible to the Council for the proper administration of all affairs of the Town. In addition to the general powers of administrative head, and not as limitation there, the Town Manager shall have the authority and be required to perform the following duties:
 - 1. Execute, on behalf of the Council, general administrative supervision and control of the affairs of the Town.
 - 2. Personnel Duties.
 - a. Appoint, suspend and/or remove, all officers and employees of the Town not appointed by the Town Council pursuant to Town personnel rules and regulations, this code, and ordinances of the Town.

- b. Supervise the work of the Town Clerk, Town Marshal/Police Chief, Fire Chief and Zoning Administrator, and provide for a written evaluation of each on an annual basis to the Town Council for consideration. This subsection does not change the appointing, contracting or hiring procedures for the Town Clerk, Town Marshal/Police Chief, Fire Chief or Zoning Administrator.
3. Consult with the Town Attorney and act as liaison between the Council and the attorney. The Manager shall keep the Council informed regarding legal matters affecting the Town. Nothing herein shall be construed so as to prohibit direct communication between Council and the Town Attorney.
4. Attend all meetings of the Council unless excused therefrom and participate in discussion of all matters coming before the Council.
5. Report to Council on and/or discuss any matter concerning the affairs of the departments, board, services or activities under his/her supervision, upon which, in his/her judgment, the Council should be informed.
6. Prepare the Town budget annually and submit it to the Council together with a description of its important provisions and be responsible for its administration after Council adoption;
7. Prepare and submit to the Council at the end of each fiscal year a complete report on the finances and administrative activities of the Town during the proceeding year;
8. Advise the Council of the financial condition and future needs of the Town and make such recommendations as he/she deems desirable;
9. Recommend to the Council a standard schedule of pay for each employee and appointed office and its position in the Town's service. Authorize the payments of overtime pay for such employees as may work in excess of a normal work period. Such rates of pay and periods of work shall be in conformance with wages and salaries enacted by the Council.
10. Recommend to the Council, from time to time, adoption of such measures which he/she deems necessary or expedient for the health, safety or welfare of the community or the improvement of administrative services.
11. 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 be authorized to direct the activities of all employees, including department heads, except as otherwise provided by this code and to make recommendations to the Council with reference thereto, as in his/her judgment will result, if adopted, in greater efficiency of the overall operation of the Town government.

12. Consolidate or combine offices, positions, departments or units under his/her jurisdiction with the approval of the Council. The Manager may be the head of one or more departments, except as otherwise provided by this code.
13. Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget and let contracts necessary for operation or maintenance of Town services.
14. Receive sealed bids for purchases or contracts and present them to the Council for approval, and advise the Council on the advantages of the contract and bid proposals. The Manager may issue such rules governing purchasing procedures within the administrative organization as the Council shall approve.
15. In case of accident, disaster, or other circumstances creating a public emergency, the Manager may award contracts and make purchases for the purpose of meeting said emergency; but he/she shall file promptly with the Council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.
16. Ensure that all laws and ordinances of the Town are duly enforced.
17. Investigate the affairs of the Town and its departments and divisions. Investigate all complaints related to the administration of the Town government and to services maintained by public utilities in the Town, and ensure that all franchises, permits, and privileges granted by the Town are faithfully observed.
18. Advise the Council at periodic intervals of changes needed in the Town code.
19. Serve as Town finance director and receive and safely keep or cause to be kept all monies that come to the Town and pay out or cause to be paid out the same when authorized by the Council. The Manager shall keep a separate record and account of each different fund provided by the Council, apportion the monies received among the different funds as prescribed by the Council, and keep a complete set of books showing every money transaction of the Town, the state of each fund, from what source the money in each fund was derived and for what purpose expended, and he/she shall make monthly reports to the Council of all receipts and disbursements and the balance in each fund. At the end of the fiscal year, he/she shall make a full and detailed statement of the receipts and expenditures of the Town during the year, specifying the different sources of revenue and the amount received from each, all appropriations made by the Mayor and Council, and the object for which they were made, and the amount of interest due thereon, and the amount of cash on hand.
20. Devote as much time to the duties of the Town Manager as may be required by the interests of the Town.

21. Perform such other duties as may be required by the Council which are not inconsistent with state law or the Town code or ordinances.

H. Council to Act Through Manager. Except for the purpose of inquiry, the Council and its members shall deal with Town employees solely through the Manager. Neither the Council nor any member thereof shall give orders to any subordinate of the Manager, whether publicly or privately.

I. Policymaking. The Manager shall not exercise any policymaking or legislative functions, nor attempt to commit or bind the Council to any action, plan or program requiring the official action of the Council.

[Ord. 189, 10/13/1981; Ord. 222, 1/10/1989; Ord. 341, 1/09/2007; Ord. 352, 6/23/2008; Ord. 387, 5/10/2011; Ord. 402, 3/12/2013]

ARTICLE 3-3 Purchasing System

- 3-3-1 Adoption of Purchasing System
- 3-3-2 Centralized Purchasing Office
- 3-3-3 Purchasing Officer
- 3-3-4 Requisitions
- 3-3-5 Purchase Orders
- 3-3-6 Purchasing Procedure
- 3-3-7 Bid Procedures
- 3-3-8 Petty Cash Fund
- 3-3-9 Surplus Supplies and Equipment
- 3-3-10 Exceptions
- 3-3-11 Issuance of Warrants

Section 3-3-1 Adoption of Purchasing System

In order to establish efficient procedures for the purchase or sale of supplies and equipment, to secure for the Town supplies and equipment at the lowest possible cost commensurate with the quality needed, to obtain the maximum return of funds or value for material sold, to exercise positive financial control over leases, rentals, purchases and sales, to clearly define authority for this function and to assure the quality of material leased, rented, or purchased, a purchasing system is hereby adopted.

[Ord. 193, 1/11/1983]

Section 3-3-2 Centralized Purchasing Office

There is hereby created a centralized purchasing office in which is vested authority for the purchase of supplies and equipment.

[Ord. 193, 1/11/1983]

Section 3-3-3 Purchasing Officer

The purchasing officer shall be the Town Manager. He/she shall have general supervision of the purchasing office and the authority to:

- A. Purchase or contract for supplies and equipment required by a department in accordance with the purchasing procedures prescribed by this article.
- B. Establish such rules, regulations, forms and other items for the operation of the purchasing office as he/she may deem necessary.
- C. Negotiate and recommend to the Council execution of contracts for the purchase of supplies and equipment as required.
- D. Act to procure for the Town required quality of supplies and equipment at the least expense to the Town.
- E. Transfer surplus or unused supplies and equipment between departments as needed and sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for Town use.

[Ord. 193, 1/11/1983; Ord. 341, 1/09/2007]

Section 3-3-4 Requisitions

All departments shall submit requests for supplies and equipment to the purchasing officer by standard requisition form.

[Ord. 193, 1/11/1983]

Section 3-3-5 Purchase Orders

All purchases of supplies and equipment shall be made only by written purchase order. Only the purchasing officer or his/her designated representative may sign purchase orders.

[Ord. 193, 1/11/1983]

Section 3-3-6 Purchasing Procedure

- A. The purchasing officer shall make purchases, leases, rentals, and contracts for supplies, services and equipment not to exceed five thousand dollars (\$5,000.00) in any one transaction in the open market, after such inquiry as he/she or she deems necessary to ensure the price obtained is the most advantageous to the Town. Such purchases shall be made using simplified and cost effective operational procedures and forms without the use of formal or informal bids.
- B. For purchases, leases, rentals, and contracts for supplies, services and equipment from five thousand dollars (\$5,000.00) to twenty thousand dollars (\$20,000.00), and for the acquisition of

any used equipment, the purchasing officer or his/her or her designee shall solicit price quotations orally, by telephone, or in writing from at least three suppliers, whenever practicable, and he/she or she shall keep on file a tabulation of solicitations made or quotations received.

- C. For purchases, leases, rentals and contracts for supplies, services and new equipment from twenty thousand dollars (\$20,000.00) to fifty thousand dollars (\$50,000.00), the purchasing officer or his/her or her designee shall solicit written price quotations on vendor's letterhead from at least three suppliers, whenever practicable, and he/she or she shall keep on file the quotations received.
- D. Except as provided in paragraphs E and F below, procurements anticipated to cost more than fifty thousand dollars (\$50,000) in one transaction shall be made by issuance of written invitations for bids. Bid documents include, at a minimum, the notice inviting bids; instructions to bidders; specifications describing the required goods and/or services; bid forms and schedules; any required bond forms, required insurance and proposed contract terms and conditions. The purchasing officer shall invite bids by:
 - 1. Advertisement in at least one newspaper of general, local circulation, at least 15 calendar days before the bid opening date; and
 - 2. Mailing of invitations to bid to at least three suppliers, and the posting of a notice on the official public bulletin boards in Town.
- E. Procurements of supplies, goods or services that require exceptional technical knowledge or professional expertise may be made by issuance of written requests for proposals. The circumstances may require that a contract award be based on factors in addition to price. The purchasing officer may enter into discussions with proposers to achieve clarification, full understanding and responsiveness to the solicitation requirements, but neither the purchasing officer nor any other Town official or employee shall disclose any information derived from proposals submitted by competing proposers prior to contract award or rejection, except to Town employees directly responsible for the procurement.
- F. All contracts and purchases exceeding \$50,000 shall be approved by the Town Council.
- G. The following procurements are exempt from the competitive bidding provisions of this Code:
 - 1. Professional or specialized services;
 - 2. Emergency procurements, if there exists a threat to public health, welfare, or safety or if a situation exists which makes compliance with this section impracticable, unnecessary or contrary to the public interest, except that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file.;

3. Situations where solicitations of bids or proposals would for any reason be impractical, unavailing or impossible;
4. Sole source procurements;
5. Insurance and bonds;
6. Procurements funded by grants, donations or gifts when the special conditions attached to the grants, donations or gifts require the procurement of particular goods and/or services;
7. Works of art, entertainment or performance;
8. Property owned by another governmental entity;
9. Membership dues, conventions, training, and travel arrangements;
10. Advertisements in magazines, newspapers, or other media;
11. Goods procured for resale to the public;
12. Cooperative procurements as set forth in A.R.S. 41-2632.

Nothing in this section shall preclude the solicitation of competitive bids or proposals, when possible.

[Ord. 193, 1/11/1983; Ord. 364, 1/12/2010; Ord. 434, 9/12/2017]

Section 3-3-7 Bid Procedures

- A. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be retained on file for public inspection during regular business hours following the bid opening.
- B. At its discretion, the Town Council may reject any and all bids.
- C. Contracts shall be awarded by the Town Council to the lowest responsible bidder, except as otherwise provided herein.
- D. If two or more bids received are for the same total amount or unit price, quality and service being equal and if the public interest will not permit the delay or re-advertising for bids, the Town Council shall determine the successful bidder by lot.

[Ord. 193, 1/11/1983]

Section 3-3-8 Petty Cash Fund

Expenditures under fifty dollars (\$50.00) may be made from a petty cash fund and supported by receipts. The purchasing officer may establish petty cash funds for administration, the library, the police department and/or the fire department in amounts he/she deems necessary, but no fund shall exceed two hundred and seventy-five dollars (\$275.00) without approval of the Town Council.

[Ord. 193, 1/11/1983; Ord. 206, 3/27/1986; Ord. 385, 3/8/2011]

Section 3-3-9 Surplus Supplies and Equipment

All departments and offices shall submit to the purchasing officer, at such time and in such form as he/she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer shall have the authority to sell all supplies and equipment which cannot be used or which have become unsuitable for Town use or to exchange for, or trade in the same for new supplies and equipment. Such sales shall be made pursuant to Section 3-3-6.

[Ord. 193, 1/11/1983]

Section 3-3-10 Exceptions

Normal purchasing procedures will be dispensed with only on the declaration of an emergency by the Mayor or in his/her absence, the Vice Mayor, or a quorum of the Council in regular or special session. All such actions including documentation to the effect that the expenditures and emergency procedures were justified to save life or property will be made a matter of public record at the next public Council meeting excepting only those actions directly relating to police activities which are exempted from public disclosure by state statute. Such exempted actions will be brought instead to the Council in executive session prior to the next prior Council meeting.

[Ord. 193, 1/11/1983]

Section 3-3-11 Issuance of Warrants

Whenever the Town of Jerome is indebted upon an account, due to expenses incurred only for special projects or grant expenditures wherein the money is reimbursed to the Town, upon approval for payment of such indebtedness by the Common Council of the Town of Jerome by motion noted in the minutes of a regular or special meeting, the Mayor or Vice-Mayor, in case of the absence or unavailability of the Mayor, is authorized to issue warrants upon the Town treasurer for the amount due. Not more than one warrant shall be drawn for the amount allowed. The warrant shall be drawn in favor of the person to whom it is due, and the warrant shall contain at least but not limited to the following information: Date of Issue, Warrant No., Payee, Amount Due, Payment Due Date, Interest Rate, and Purpose for Which It Is Drawn.

[Ord. 220, 1/10/1989]