

**PROPOSED TOWN CODE AMENDMENTS REGARDING THE
TOWN MANAGER’S AUTHORITY AND RELATED MATTERS**

Sec. 2-80. – Town clerk.

(a) *Clerk of council to be ex officio town clerk.* The clerk of the council shall be ex officio town clerk. The clerk shall be appointed by the town council upon recommendation of the town manager and shall be supervised by the town manager and shall also report to the town council on matters related directly to the council.

(b) *Duties.*

(1) *Custodian of town records, maps, documents, etc.* The town clerk shall be custodian of all town records, maps documents and other papers belonging to the town for which no other custodian is designated, and ~~he~~the clerk shall keep them secure against all hazards and make them available to those having an interest therein for inspection and use in ~~his~~the clerk’s office or other appropriate place designated by the governing body during all regular business hours; provided that, records of a confidential nature, such as income returns from merchants, shall be made available only to persons authorized by law to have access thereto.

(2) *Issue licenses and permits.* The town clerk shall issue all licenses and permits granted by the council and all other licenses and permits for which no other issuing officer is designated.

(3) *Render assistance to persons affected by this Code, ordinances, etc., and to persons seeking to do business with the town.* The town clerk shall render reasonable assistance to persons affected by the provisions of this Code or other ordinances or resolutions of the council and to persons seeking to do business with the town. ~~He~~The clerk shall exercise such other powers and perform such other duties as may from time to time be prescribed for ~~his office~~the clerk by ordinance, resolution or order of the council.

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Sec. 2-83. – Town manager.

(a) *Application of section.* The provisions of this section shall apply only in the event that the town council chooses to appoint a town manager as provided in the town Charter.

(b) *Duties.*

(1) *Chief administrative officer.* The town manager is the chief administrative officer of the town. In this capacity, the town manager shall have general supervisory authority over the town ~~officers~~clerk and treasurer, and departments and units, and staff of the town government other than the town attorney. The manager shall see that all laws, provisions of the Charter, and ordinances and resolutions of the town council are faithfully executed.

(2) *Preparation of town budget.* The town manager shall be responsible for the timely annual preparation of the proposed town budget and budget message to the town council by April 15 or such other date agreed to with council and publication thereof.

(3) *Presentation of proposed budget at public hearings.* The town manager shall formally present ~~his~~the manager's proposed town budget in public hearings held by the town council. The town manager will be accompanied to the budget hearings by the responsible department heads. The department heads will provide answers to questions raised by the town council relative to the day-to-day operations of their respective departments.

(4) *Revision of town pay classification plan.* The town manager shall annually report on the need to revise the town's pay classification plan. This report must be submitted at the time the proposed budget is submitted for the town council's consideration. Its primary use will be to determine whether there is a need to make any changes to the town's pay classification plan to ensure fair and appropriate salaries and fringe benefits are available for all town employees.

(5) *Custodian of town property.* The town manager shall be custodian of all property belonging to the town, such as buildings, lands, equipment, machinery and personal property of any kind whatsoever. It shall be the manager's duty to maintain an inventory of such properties and to report to the town council, as part of the annual budget review process, the condition of same. The use, rental, loan, or lease of town property shall be the manager's sole responsibility. The manager shall have responsibility for collection of rents, service charges, or fees for the use of any item of town property. ~~He~~The manager shall keep all town properties adequately insured for such amounts as shall be annually approved by the town council during the annual budget deliberation process.

(6) *Custodian of supplies.* The town manager shall be the custodian of all supplies and shall record the acquisition, and the classification of the same as expense items rather than capital purchases, and annually report, as part of the annual budget review process, as to the general amount and condition of said supplies.

(7) *Council meetings – attendance.* The town manager shall attend all meetings of the council and recommend to the town council, for adoption, such measures as ~~he~~the manager may deem expedient or necessary.

(8) *Same – preparation of agenda.* The town manager shall prepare the agenda for each meeting of the town council.

(9) *Reports and recommendations.* The town manager shall submit any reports and recommendations to the town council from time to time as ~~he~~the manager may deem appropriate in the best interests of the town and its inhabitants.

(10) *Department head vacancies.* The town manager shall appoint all such town officials and employees as the town council shall determine are necessary for the proper administration of the affairs of the town, except those specifically reserved in the Town Charter, the Town Code or Code of Virginia for appointment by the town council. must recommend to and shall receive concurrence from the town council regarding individuals to fill the vacancies that occur in the

~~ease of department heads~~ These department heads shall serve at the pleasure of the town ~~council manager~~. The manager shall also make recommendations to council ~~or~~ for the positions appointed ~~positions of the town clerk, town treasurer and town attorney by council~~. The town council will make the final choice to fill these vacancies by appointment after considering the town manager's recommendation. ~~The town manager shall make appointments of all other town employees based on a recommendation made by the appropriate department heads.~~

(11) *Suspension or removal of employees.* The town manager shall, when necessary, for the good of the town, suspend or remove any and all town employees, ~~subject to the provisions of the personnel policy and grievance procedures, unless such employees are specifically appointed by the council.~~ The council shall take any employment action with respect to those employees appointed by the council. When an employee is appointed by the council to a specific position and also serves in another staff position, the town manager shall advise the council prior to taking action. ~~All suspensions and removal shall be subject to the provisions of the personnel policy and grievance procedures of the town, where applicable.~~ The manager shall ensure that adequate and accurate personnel records are maintained of all employees of the town, ~~including the town clerk.~~ All town employees will be subject to the provisions of the personnel policy and grievance procedures of the town, where applicable.

(12) *Annual report on town finances.* The town manager shall annually submit to the town council, within 45 calendar days after completion of the fiscal year, a complete report on the finances of the town for the preceding fiscal year. The town manager's report shall provide the unaudited town budget surplus (or deficit) for the preceding fiscal year, the balances of the town's certificates of deposit and checking accounts, and detailed listings of the delinquent real estate taxes and sanitation fees owed by individual households to the town.

(13) *Develop a system of handling citizen and business complaints.* The town manager shall develop a formal system of handling complaints received from town citizens and businesses. Each complaint, whether received in writing or orally by town officials and staff, shall be summarized in a separate log established for each town department. The status of each complaint must be updated every two (2) weeks by the responsible department head to reflect action taken to address each complaint.

(14) *Other duties as prescribed by Charter, state law, etc.* The town manager shall exercise such other powers and perform such other duties as may be prescribed by the town Charter, state law, this Code, and other ordinances, resolutions and orders of the council.

(15) *Appointment or removal of administrative officials or employees; council communication with staff to go through town manager.* Neither the town council nor any of its members shall in any manner dictate the appointment or removal of any town ~~administrative officials or employees~~ appointed by the town manager or any of the manager's subordinates unless otherwise provided in this Code. Except for the purpose of information, informal reviews, inquiries or official investigations, the town council and its members shall communicate with staff, other than the town clerk and town attorney, solely through the manager. Neither the council nor any of its members shall give direction to any member of staff, other than the town manager, town clerk in the clerk's appointed position and town attorney, either publicly or

privately. For purposes of this section, the term "staff" means all town officials and employees who are subject to the supervision of the town manager or any of ~~his~~the manager's subordinates.

(16) *Submission of manager's personal leave takentime cards.* ~~The town manager shall submit his personal time cards to the town council on a monthly basis.~~ The manager shall be entitled to all forms of leave provided under the town's personnel policy and the manager's employment agreement and shall advise the council of leave taken on a monthly basis.

(17) *Town manager designation.* In the event that the town manager is unable to perform ~~his~~the manager's duties in accordance with the provisions of the ~~Dumfries~~-Town Code and/or ~~his~~the manager's written employment contract due to absence, illness or disability as determined by the town manager or the town council, with the approval of council, the town manager shall designate a qualified individual to be the chief administrative officer of the town to serve and perform as the town manager on a temporary basis notwithstanding other provisions of this article. In the event that the town manager is not able to make such designation, the council shall appoint a temporary town manager.

Proposed Amendments to Pertinent Provisions of Town Manager Innis'
Employment Agreement

(No public hearing is required – to be adopted by resolution upon amendment of the Town Code as set forth above):

6. Town Manager Responsibilities.

6.1 The Town stipulates and authorizes that to the fullest extent permitted by law Tangela Innis has and shall discharge the responsibility and exercise the authority and discretion as the Town's chief executive and administrative officer and is charged and obligated to provide effective, exemplary leadership to the Town; to select, place, transfer, organize, reorganize, arrange and manage the Town's personnel (other than those individuals appointed by and who report to the Town Council) in accordance with the Town Charter and Town Code and in a manner which best serves the Town; to manage the business and other functions and operations of the Town, with the assistance of staff; and to perform all other duties prescribed by law and by Town Council.

6.2 As part of the process of Tangela Innis being accountable for the executive and administrative leadership, management and operations of the Town, the Town Council and its members will promptly refer all ~~major~~ criticisms, complaints, and suggestions, other than legal matters which go to the Town Attorney, to the Town Manager for expeditious review and, if merited, for action or recommendation by Tangela Innis for action by Town Council.