

VIRGIN TOWN, UTAH
ORDINANCE 2025-02

AN ORDINANCE CREATING THE POSITION OF TOWN MANAGER

AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH, PROVIDING THAT THE VIRGIN MUNICIPAL CODE (VMC) BE AMENDED BY ADDING A NEW CHAPTER TO BE NUMBERED CHAPTER 2.06 PROVIDING FOR THE CREATION OF THE POSITION OF TOWN MANAGER, THE SELECTION OF THE TOWN MANAGER, DESIGNATION OF ACTING TOWN MANAGER, THE PRINCIPAL DUTIES AND RESPONSIBILITIES OF THE TOWN MANAGER, AND METHOD OF COMPENSATION.

WHEREAS, Pursuant to Utah Code Ann. §10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, Pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Virgin Town Council”) is designated as the governing body of the Town;

WHEREAS the Town of Virgin is, and has been, experiencing a phase of rapid growth that is putting ever increasing demands on it elected officials;

WHEREAS, the town anticipates that growth will continue at a rapid pace and the elected officials will not be able to continue to increase the amount of time and energy that will be needed to effectively and efficiently manage the government of the Town of Virgin;

WHEREAS, it has been determined that the administration of the Town's affairs requires the full time attention of a person who is professionally trained, skilled and knowledgeable about the operation of local government;

WHEREAS, the Town's budget and staff has increased in size that now requires their administration by a full time professional manager; and

WHEREAS, the Town Councils has determined that the logical and reasonable remedy to the management needs of the city is to create the position of Town Manager and to prescribe duties to that office.

NOW THEREFORE, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: ADOPTION. “2.06 Town Manager” of the Virgin Municipal Code of Virgin, Utah, is hereby *adopted* as follows:

BEFORE ADOPTION

VMC 2.06, et. Seq. (*Non-existent*)

AFTER ADOPTION

VMC 2.06 Town Manager

VMC 2.06.02 Creation of Office

The office of the Town Manager, which shall be known as “Town Manager”, is created and established pursuant to Utah Code section 10-3b-403. The Town Manager shall be referred to as the Town Manager and is the chief administrative officer of the Town.

VMC 2.06.04 Selection and Appointment

- A. The Town Council may by majority vote appoint a qualified person as the Town Manager.
- B. The Town Manager shall be selected, without regard to political considerations, based on the candidate's abilities, integrity, education, and prior experience relating to the duties of the office, including, but not limited to, abilities, experience, and education in the accepted competencies and practices of local government management. The manager must, in the opinion of the Town Council, have the managerial capabilities necessary to provide professional direction to the Mayor and Town Council.
- C. No qualified Town Council member shall be appointed during the term for which the council member shall have been elected nor within one year after expiration of the council member's term.
- D. The Town Manager must reside within 60 minutes travel time to Virgin.

VMC 2.06.06 Terms of Office; Compensation

- A. The Town Manager shall serve at the pleasure of the Town Council. Any person serving as Town Manager under this article may be removed with or without cause by a majority vote of the Town Council. Notwithstanding the provisions set forth in this section, the Town Manager shall not be removed from office, other than for misconduct in office, during or within a period of ninety (90) days next succeeding any general municipal election held in the town at which election a member of the Town Council is elected; the purpose of this provision is to allow any newly elected member of the town council or a reorganized town council to observe the actions and ability of the Town Manager in the performance of the powers and duties of his/her office. After the expiration of the ninety (90) day period aforementioned, the provisions of this chapter as to the removal of the Town Manager shall apply and be effective.

- B. The Town Manager shall resign his or her position with the Town upon not less than sixty (60) days' written notice to the Mayor and Town Council. The Town Manager and Town may mutually agree in writing to terminate the services of the Town Manager with less than 60 days' written notice.
- C. The Town Manager shall be subject to an annual performance review by the Town Council.
- D. The Town Manager shall receive compensation at the rate and in the form to be determined by the Town Council and established by resolution and /in contract.

VMC 2.08.08 Powers and Duties

- A. The Town Manager acts under the control and supervision of the Mayor and Town Council. The manager is responsible for the administration of all affairs of the Town placed in the town manager's charge by this Chapter.
- B. The Town Manager's powers and duties are:
 - 1. Comply with the ICMA Code of Ethics and all State ethics requirements;
 - 2. Organize and direct the management of the executive affairs of the Town in a manner consistent with state law and Town ordinances and resolutions;
 - 3. Develop, recommend and implement Town policies, practices, rules, regulations and procedures; advise the Town Council regarding policy options and implementation procedures; carry out legislative directives and decisions; and administer contracts;
 - 4. Appoint, hire, evaluate, suspend, supervise, transfer and remove any Town employees. The power of the Town Manager to appoint, hire, evaluate, suspend, supervise, transfer and remove shall not apply to elected, statutory or appointed officials of the Town;
 - 5. Attend all Town Council meetings unless excused by Mayor or Town Council. The Town Manager may participate in discussions with the Mayor and Town Council but shall not vote;
 - 6. Be responsible for the enforcement of the laws, ordinances, rules and regulations of the Town, and acts of the Town Council, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the Town are observed;
 - 7. Prepare and submit the annual budget and five-year capital plan to the Town Council for its approval in accordance with State law and Town Ordinances and Resolutions, and execute the final budget approved by the Town council to achieve the goals of the Town;
 - 8. Submit all required reports to state and other agencies as compiled from the audited financial statement. Upon written request of the Mayor or Town Council, the Town Manager shall make written or verbal reports at any time concerning the affairs of the Town under his/her supervision;

9. Keep the Mayor and the Town Council advised of the financial condition and future needs of the Town and make such recommendations to the Mayor or Town Council for adoption as he/she may deem necessary or expedient;
 10. Analyze the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof and make recommendations to the Town Council with reference thereto, as in his or her judgment will result, if adopted, in greater efficiency of the overall operation of the Town government;
 11. Make such other reports as the Town Council may require;
 12. Assist the Town Council in developing long term goals for the Town and strategies to implement these goals;
 13. Promote partnerships among Town Council, staff, and citizens in developing public policy and building a sense of community;
 14. Prepare the Town Council agenda in consultation with Mayor;
 15. Carry out the policies and programs established by the Town Council;
 16. Prepare recommendations for the Town Council regarding the addition, deletion, or reduction in municipal services; and
 17. Perform such other duties as may be prescribed by ordinance, resolution, or requested of him/her by the Mayor and Town Council that are consistent with state laws.
- C. Nothing in this chapter shall be construed to delegate to the Town Manager the legislative and judicial powers of the mayor, the mayor's position as chief executive officer of the Town pursuant to Utah code section 10-3b-104(1)(a), chairperson of the Town Council, or any ex officio position which the mayor shall hold.

VMC 2.08.10 Acting Town Manager

If, because of natural or human-caused disaster or emergency situation, absence, disability or death, the Town Manager is unable to carry out the duties imposed by this chapter, the duties and authorities of the Town Manager shall be exercised by one of the following municipal officials, in the order indicated, until the Town Manager or a person higher on the priority list becomes capable of exercising such duties:

1. Mayor;
2. Mayor Pro Tem;
3. Council Members in order of seniority on Town Council;

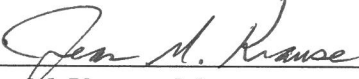
The exercise of interim successor duties pursuant to this subsection shall be promptly reported to the members of the Town Council as soon as practical by the person assuming those duties."

Severability Clause: Should any part of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and effect from January 21, 2025 and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or part thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, ON THE 21ST DAY OF JANUARY 2025..



Jean M. Krause, Mayor
Virgin Town, Utah

Attest:



Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded	AYE	NAY	ABSENT	ABSTAIN
Virgin Town Councilmember, Mistie Baird		✓		
Virgin Town Councilmember, Paul Luwe	✓			
Virgin Town Councilmember, April McKeon	✓			
Virgin Town Councilmember, Valerie Wenz	✓			
Virgin Town Mayor, Jean Krause	✓			

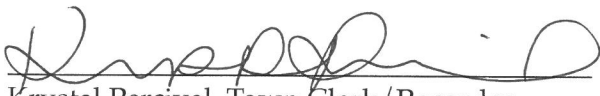
RECORDED this 10 day of February, 2025.

PUBLISHED or POSTED this 10 day of February, 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 4) *Utah Public Notice website*
- 5) *Virgin Town website, www.virgin.utah.gov*
- 6) *Virgin Town Hall*



Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah