

## STAFF REPORT

**To:** Town of Alta Mayor & Town Council

**From:** Cameron Platt Polly McLean, Town Attorneys

**Date:** March 2, 2023

**Re:** Revised Town Manager Code

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This staff report is to identify portions of the draft Town Manager Code that need clarification from the Council. Changes to the draft may be completed at the March Council meeting, prior to the meeting by sending feedback to Town staff, or after Council discussion in a Council meeting.

The duties the Council chose to delegate to the Town Manager, and any revisions from the prior draft, are highlighted in redline format in the draft code.

### **Hierarchy of Appointed Officials**

The main issue for the Council to decide is in the hierarchy of appointed Town Officials. The draft code language places the Town Manager, Marshal, and Clerk as equals over their departments and requires that each coordinate with the others. Any issue that cannot be resolved by the three appointed officials together will be resolved by the Mayor.

This organization is based on state law requirements and feedback from prior discussions of Council members. For example, Utah law requires that the Town Marshal “be under the direction, control, and supervision of the person or body that appointed the chief or marshal.”<sup>1</sup> And the Town Clerk has duties specified in state law that require some degree of independence from other appointed officials, because the office is designated as the Town Auditor.<sup>2</sup> In practice, however, many municipalities have the municipal administrator or manager over all municipal departments except law enforcement.

Town staff need direction from the Council on how it prefers to organize the appointed officials and their departments.

### **Bonding Amount**

Code section 1-15-1(D) requires a bond for the Town Manager. This is based on other municipalities code language and is provided for under Utah law.<sup>3</sup> The amount the Council chooses should be sufficient to cover any potential liability for actions or decisions of the Town Manager. The amounts from other municipalities range from none, \$60,000.00, and up to \$1,000,000.00. The State Money Management Council publishes regulations for bonding based on the size of the municipal budget. These regulations are for municipal treasurer, but could also have some correlation the Town Manager. The bonding range for the Town’s budget are between \$70,000.00 and \$300,000.00.

The Council should select an amount for a Town Manager bond if it chooses.

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<sup>1</sup> UCA § 10-3-918.

<sup>2</sup> UCA § 10-3-916 (Utah law uses municipal Recorder and Clerk to refer to the same appointed position).

<sup>3</sup> UCA § 10-3-831.

### **Replacement of Terms**

The implementation of a Town Manager require updates to the Town's existing code language in 28 sections to replace "Town Administrator" with "Town Manager." These changes are not yet available in redline format but will be sent to the Council and published before accepted by the Council.