

MINUTES
SPECIAL ALTA TOWN COUNCIL VIRTUAL MEETING
Thursday, February 23, 2023, 9:00 AM
Alta Community Center (virtual), 10351 E. Highway 210, Alta, Utah

PRESENT: Mayor Roger Bourke
Councilmember John Byrne
Councilmember Sheridan Davis
Councilmember Carolyn Anciales (arrived 9:16am)

STAFF PRESENT: John Guldner, Town Administrator
Mike Morey, Town Marshal
Chris Cawley, Assistant Town Administrator
Jen Clancy, Town Clerk
Molly Austin, Deputy Clerk

ALSO PRESENT: Cameron Platt, Legal Counsel
Craig Heimark, Treasurer

NOT PRESENT: Councilmember Elise Morgan

SPECIAL TOWN COUNCIL MEETING

1. **CALL THE MEETING TO ORDER**

00:00:00

Mayor Bourke called the special meeting of the Alta Town Council to order for February 23, 2023. Pursuant to his February 15, 2023 determination Mayor Bourke said that it is in the community's best interest to hold this meeting virtually without an anchor location.

2. **DISCUSSION OF AN ORDINANCE TO CREATE THE TOWN MANAGER POSITION**

00:00:30

Mayor Bourke announced the purpose of the meeting was to discuss a town ordinance that would create a town manager position. He explained that with John Guldner's intention to retire that an opportunity has been created to rethink the structure and operation of our town government. The Mayor suggested it would be appropriate for a town manager to essentially manage the internal affairs of the town staff. It was also noted that this was an opportunity to right size the Mayor's responsibilities for what has historically been a part-time position.

Cameron Platt started the discussion by explaining that currently the Mayor can appoint the town manager with advice and consent of the council but that the Mayor can terminate the town manager without the advice and consent of the council. The proposed change to this process is that the Mayor appoints the Town Manager (and Town Clerk, Marshal, and Planning Commission members) with advice and consent of the council but for the town manager to be terminated that you either needed a vote by majority of the council including the Mayor (ie Mayor and 2 council members) or what was referred to as a council super-majority (all 4 council member, not including the Mayor). This method of

voting was discussed with the main reason being rooted in state code and as a means of adding some protection to appointed employees.

The council continued to review and discuss each of the bullet points listed in the meeting's staff report (as shown below). Members of the council commented that they did not want to go in a direction not supported by staff. Staff did not raise any concerns. Direction was given to staff to draft an ordinance that delegated the highlighted bullet points to the town manager position.

Mayor's Authority/Duties UCA § 10-3b-104

- Chief Executive Officer Duties
 - All employees shall report to Town Manager;
 - Appointed officials will coordinate with the town manager in day to day activities, subject to state law, but are accountable to the Mayor and Council;
 - Keep the peace and enforce the laws of the municipality (practically and currently applied by delegating criminal enforcement to the Marshal's Office by the Mayor); civil code enforcement will be through the Town Manager;
 - Ensure statutes, ordinances, and resolutions executed and observed;
 - Sign contracts provided for in budget, ordinance, or resolutions;
 - Cancel or waive fines or forfeitures;
 - Report the condition and needs of the municipality, and make recommendations in the best interests of the Town, to the Council.
 - Deputize residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;
 - Release a person imprisoned for a violation of a municipal ordinance;
 - At any reasonable time, examine and inspect the official books, papers, records, or documents of the municipality or any officer, employee, or agency of the municipality;
 - With the council's advice and consent:
 - assign or appoint a member of the council to administer one or more departments of the municipality; and
 - Appointment of the Town Manager, Town Clerk, Marshall, & Planning Commission members remain with Mayor and Council
 - appoint a person to fill a municipal employment position or a vacancy on a committee of the municipality;
 - Perform all duties prescribed by statute or municipal ordinance or resolution;
- Mayor's Judicial, Legislative, or Ceremonial Duties may not be delegated.
 - Regular and voting member of the Council
 - Chair of Council meetings and presides at all Council meetings
 - Exercises ceremonial functions for the municipality;
 - Ex officio positions held by the Mayor.

Town Council Authority/Duties UCA § 10-3b-105¹

¹ Utah law § 10-3b-403 mentions that the Council may delegate its "executive or administrative power" to a town manager. In practice, however, the Council only has these executive or administrative power if they are removed from the Mayor.

- Legislative Duties—may not delegate legislative duties.
- Town Council is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality
 - Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
 - Prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
 - Require by ordinance that any or all appointed officers reside in the municipality;
 - Create any office that the council considers necessary for the government of the municipality;
 - Provide for filling a vacancy in an elective or appointive office;
 - Perform any function specifically provided for by statute or necessarily implied by law;
- Any executive or administrative power . . . duty or function that: has not been given to the mayor under Section 10-3b-104. This is a “catch-all” provision.

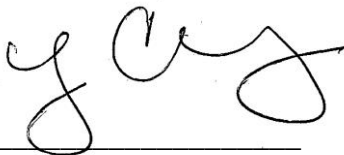
3. **MOTION TO ADJOURN**

01:16:30

MOTION: Mayor Bourke motioned to adjourn, and Sheridan Davis seconded.

VOTE: All in favor. The special town council meeting was adjourned.

Passed this 8th day of March, 2023



Jen Clancy, Town Clerk