

TOWN OF WHITESTOWN, INDIANA

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, ESTABLISHING AND ADOPTING ROLES AND RESPONSIBILITIES FOR THE TOWN MANAGER OF WHITESTOWN, INDIANA

WHEREAS, the Town of Whitestown, Indiana (“Town”) is a municipality duly organized and existing under the provisions of Ind. Code § 36-5-1; and

WHEREAS, pursuant to Ind. Code § 36-5-2-2, the Town Council (“Council”) of the Town of Whitestown, Indiana (“Town”) is the legislative body of the Town and the Council President is the Executive of the Town (“Executive”); and

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the Town Council may adopt ordinances and resolutions for the performance of functions of the Town; and

WHEREAS, pursuant to Ind. Code § 36-5-5-2, the Town Council may employ a Town Manager to be the administrative head of the Town government; and

WHEREAS, Ind. Code § 36-5-5-8 sets forth statutory duties related to the performance of the Town Manager; and

WHEREAS, the duties stated in Ind. Code § 36-5-5-8 can only be expanded upon or limited by a written order or ordinance of the Town Council; and

WHEREAS, for the efficient conduct of the Town’s business, the Council now desires to establish roles and responsibilities for the Town Manager in addition to those found in state statute; and

WHEREAS, the Town, by and through its Council, has determined that it is in the best interest of the Town to adopt this Ordinance establishing the role and responsibilities of its Town Manager.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA:

Section 1. The foregoing recitals are incorporated herein.

Section 2. **Application of State Law.**

Pursuant to Ind. Code § 36-5-5-2, the Whitestown Town Manager is the administrative head of the Town and is employed to serve at the pleasure of the legislative body.

Section 3. Duties, Roles, and Responsibilities of Town Manager.

Except as otherwise provided by applicable law, written order, or this ordinance, and unless directed otherwise by the Town Council, the Town Manager:

- (A) Shall attend all meetings of the Town Council and any other meeting as requested by the Town Council; shall recommend actions to the Town Council the manager considers advisable, including but not limited to any event, proposal, or inquiry that may have an impact on the Town;
- (B) Shall hire all town employees, except those who are employed as a sworn officer in the Town Police Department or Town Fire Department, the Town Court (if ever reinstated), and the Clerk-Treasurer's office in order to fill positions authorized by the Town Council in accordance with the pay schedules and standards fixed by the Town Council or by statute;
- (C) Shall assist in the management of all Town departments, and shall receive reports from department heads with respect to day-to-day operations and administrative matters;
- (D) Shall supervise all Town personnel, may impose discipline, may discharge, remove, or transfer town employees, if necessary for the welfare of the town and pursuant to employee disciplinary practices as stated in the Town Employee Handbook (excepting members of the Whitestown Police Department, Whitestown Fire Department, Town Court (if reinstated), and Clerk-Treasurer's office);
- (E) May delegate any of the Town Manager's powers to an employee responsible to the Town Manager;
- (F) Shall administer and enforce all ordinances, orders, and resolutions of the Town Council;
- (G) Shall see that all statutes that are required to be administered by the Town Council or other Town officer subject to the control of the Town Council, are faithfully administered;
- (H) Shall prepare budget estimates and assist in the preparation and presentation of the Town budget with the Clerk-Treasurer, and shall keep the Town Council apprised of all budgetary expenditures and requirements as they occur;
- (I) Shall, subject to all applicable state laws and Town ordinances, policies, and procedures, execute contracts and make purchases on behalf of the Town;

- (J) May receive service of summons and other notices on behalf of the Town; and
- (K) Develop and implement procedure for coordination of Town Council agendas, respond to citizen requests for service or information, and act as a liaison with other federal, state, & local governmental agencies;
- (L) Perform such other legally permissible and appropriate duties and functions as may be required by the Town Council from time to time.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance. However, the repeal or amendment by this Ordinance of any other ordinance or resolution does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 5. If any section, provision, or part of the Ordinance is for any reason declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Town Council.

PASSED by the Town Council of the Town of Whitestown, Indiana, this ____ day of _____, 2024, by a vote of ____ in favor and ____ against.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA

Dan Patterson, President

Tanya Sumner, Vice President

Cheryl Hancock

Tobe Thomas

Eric Nichols

ATTEST:

Matt Sumner, Clerk-Treasurer