

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2021-05**

**AN ORDINANCE AMENDING SECTION 34.01 OF THE TOWN CODE
TO CLARIFY THE AUTHORITY OF COUNCIL MEMBERS AS
RELATES TO THE ADMINISTRATION OF THE TOWN**

WHEREAS, Section 34.01 of the Whiteland Town Code enumerates the general powers and duties of the Whiteland Town Manager (the “Town Manager”);

WHEREAS, the Whiteland Town Council (the “Council”) desires to clarify the role and authority of Council members as relates to the administration of the Town of Whiteland;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. Section 34.01 of the Whiteland Town Code is hereby amended to read as follows:

§ 34.01 TOWN MANAGER; POWERS AND DUTIES.

(A) The Town Council may employ a Town Manager to be the administrative head of the Town government, to serve at the pleasure of the Town Council and may fix the Town Manager's compensation under the budget and appropriation authority of the Town Council as a salaried employee.

(B) The Town Manager, subject to the direction and oversight of the Town Council and applicable law, shall perform the following duties:

- (1) Shall attend the meetings of the Town Council, and any other meetings as the Town Manager deems appropriate, and recommend actions he or she considers advisable;
- (2) Except for the Police Department, which shall be supervised by the Town Marshal, and except for the Clerk-Treasurer’s Office and the utility billing and collections employees of the Town, which shall be supervised by the Clerk-Treasurer, the Town Manager shall supervise the operation of all departments, including the utilities, and shall, with the recommendations of the department head, consider and adjudicate any disciplinary charges against an employee of a department supervised by the Town Manager;
- (3) Shall hire town employees, except for employees of the Police Department, employees of the Clerk-Treasurer’s Office, and the utility billing and collections employees of the Town, according to the pay schedules and standards fixed by the Town Council;
- (4) Shall suspend, discharge, remove or transfer any Town employee, except for employees of the Police Department, employees of the Clerk-Treasurer’s Office,

and the utility billing and collections employees of the Town, if necessary for the welfare of the Town;

- (5) May delegate his authority to an employee responsible to him;
- (6) Shall administer and enforce all Town ordinances, orders and/or resolutions of the Town Council;
- (7) Shall oversee that all statutes that are required to be administered by the Town Council or by a Town official subject to the control of the Town Council are faithfully administered;
- (8) Shall see that Town budget estimates are prepared by all departments and shall submit said estimates to the Town Council for review, consideration, and passage;
- (9) Shall execute contracts on behalf of the Town for materials, supplies, services or improvements, after completion of the appropriation, notice, and competitive bidding as required by statute; and
- (10) May receive service of summons on behalf of the Town.

(C) The Town Manager may not serve as a member of any body that hears disciplinary charges against: (1) the Town Marshal; or (2) a member of the Town Police Department.

(D) At all times that the Town employs an acting or permanent Town Manager, no member of the Town Council, including the President of the Town Council, may assume to him or herself any duty or power lawfully delegated by the Town Council to the Town Manager. And for purposes of clarity, but without limiting the scope of the foregoing, Council members may not take any of the actions enumerated below:

- (1) Exercise of any direct supervision or control over any Town employee or contractor;
- (2) Exercise of the power to hire, reassign, promote, discipline, discharge or otherwise control any employment matter of a Town employee or contractor;
- (3) Limiting the access of any person to Town property or facilities; or
- (4) Directing the normal, day to day, operations of the Town.

(E) The limitations found in subsection (D) of this section do not apply to any action, power, or duty authorized by the Town Council by majority vote in an official action, by Resolution or Ordinance of the Town Council, or by Town Code.

(F) Any Town employee who becomes aware of a violation of the provisions of subsection (D) of this section shall promptly report it to the Town Manager and/or the Town Council. No employee may be disciplined for a good faith report of violation of this section.

Section 2. The provisions of all other ordinances or resolutions in conflict with the provisions of this ordinance are of no further force or effect.

Section 3. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 4. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10.

PASSED through first reading by the Town Council on the 13th day of April, 2021, by a vote of 4 in favor 0 against and 1 abstention (Hawkins).

DULY PASSED AND FINALLY ADOPTED on second reading on the 11 day of May, 2021, by a vote of 4 in favor and 1 against.


TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Sayler, President

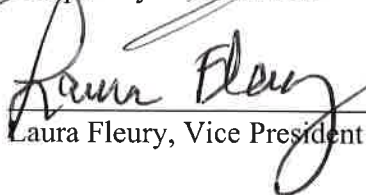
Voting In Favor

Voting Opposed



Joseph Sayler, President

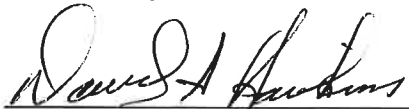
Joseph Sayler, President



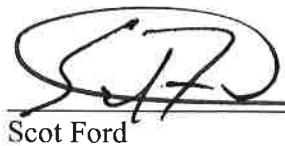
Laura Fleury, Vice President

Laura Fleury, Vice President

David Hawkins

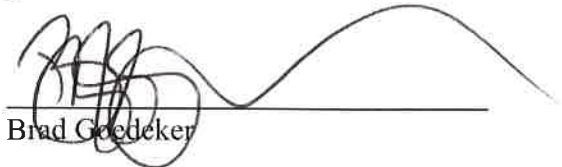


David Hawkins



Scot Ford

Scot Ford



Brad Goedecker

Brad Goedecker

Attest:



Debra L. Hendrickson, Clerk-Treasurer