

**WHITELAND TOWN COUNCIL  
ORDINANCE NO. 2023-05**

**AN ORDINANCE AMENDING SECTION 34.01 OF THE TOWN CODE  
TO PROVIDE THE OPTION TO DIVIDE THE RESPONSIBILITIES OF  
THE TOWN MANAGER BETWEEN THE POSITION OF DIRECTOR OF  
ADMINISTRATION AND THE POSITION OF DIRECTOR OF  
OPERATIONS**

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 amend the Whiteland Town Code to provide the Council with the option to divide the responsibilities of the Town Manager between the position of Director of Administration and the position of Director of Operations;

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, DIRECTOR OF ADMINISTRATION, AND  
DIRECTOR OF OPERATIONS; POWERS AND DUTIES.**

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

(B) The Town Manager or Director of Administration, 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 or Director of Administration deems appropriate, and recommend actions he or she considers advisable.;
- (2) Except for: (a) the Police Department, which shall be supervised by the Town Marshal, ~~and except for (b)~~ 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

[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]

department supervised by the Town Manager. In the event there is a Director of Administration and not a Town Manager, except for: (a) the Police Department, which shall be supervised by the Town Marshal, (b) the Clerk-Treasurer's Office and the utility billing and collections employees of the Town, which shall be supervised by the Clerk-Treasurer, and (c) the utilities, including without limitation, the sewer utility department, water utility department, storm water utility department, and the street department, or their employees, which shall be supervised by the Director of Operations, the Director of Administration shall supervise the operation of all departments, and shall, with the recommendations of the department head, consider and adjudicate any disciplinary charges against an employee of a department supervised by the Director of Administration.;

- (3) The Town Manager ~~S~~ shall hire all 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, in accordance with the salary ordinances ~~according to the pay schedules~~ and standards fixed by the Town Council. In the event there is a Director of Administration and not a Town Manager, the Director of Administration shall hire all 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, and the employees of the sewer utility department, water utility department, storm water utility department, and the street department, in accordance with the salary ordinances and standards fixed by the Town Council.
- (4) The Town Manager ~~S~~ 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. In the event there is a Director of Administration and not a Town Manager, the Director of Administration shall suspend, discharge, remove or transfer any Town employee, except for employees of the Police Department, employees of the Clerk-Treasurer's Office, the utility billing and collections employees of the Town, and the employees of the sewer utility department, water utility department, storm water utility department, and the street department, if necessary for the welfare of the Town.;
- (5) May delegate any of the authority of the Town Manager or the Director of Administration ~~his authority~~ to an employee responsible to the Town Manager or the Director of Administration. ~~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.;

[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]



- (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.;
- (10) -May receive service of summons on behalf of the Town.

(11) In the event there is a Director of Administration and not a Town Manager, the Director of Administration shall assist the Director of Operations as reasonably requested by the Director of Operations to the extent feasible. And,

(12) In the event there is a Director of Administration and not a Town Manager, all references to Town Manager within the Town Code shall be interpreted as referring to the Director of Administration.

(C) ~~Neither~~ the Town Manager nor the Director of Administration nor the Director of Operations 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) The Director of Operations shall supervise the operations of the sewer utility department, water utility department, storm water utility department, and the street department, and their employees. In the event there is a Director of Administration and not a Town Manager, the Director of Operations shall be under the direct supervision of the Board of Storm Water Management with respect to the storm water utility department, and under the direct supervision of the Town Council with respect to the sewer utility department, water utility department, and the street department, and any other matters not under the jurisdiction of the Board of Storm Water Management. In the event there is a Director of Administration and not a Town Manager, the Director of Operations shall hire, suspend, discharge, remove or transfer any Town employee of the sewer utility department, water utility department, storm water utility department, and the street department, if necessary for the welfare of the Town. The Director of Administration shall have no supervisory authority over the Director of Operations and has no authority to affect the terms and conditions of employment of the Director of Operations, including without limitation, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

(E) At all times that the Town employs an acting or permanent Town Manager, Director of Administration, and/or Director of Operations, 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, Director of Administration, or Director of Operations, or any other Town employee. And for purposes of clarity, but without limiting the scope of the foregoing, Council members may not take any of the actions enumerated below:

[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]

- (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.

~~(EF)~~ The limitations found in subsection ~~(ED)~~ 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.

~~(FG)~~ Any Town employee who becomes aware of a violation of the provisions of subsection ~~(DE)~~ of this section shall promptly report it to the Town Manager, Director of Administration, Director of Operations, 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.

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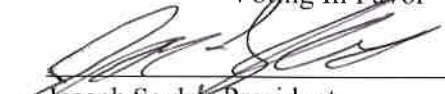
[The new provisions are shown in bold, blue, and underline, deleted provisions in ~~strikethrough~~.]

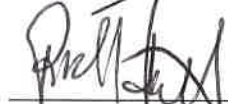
DULY PASSED AND FINALLY ADOPTED on the 13 day of JUNE, 2023, by a vote of 5 in favor and 0 against.

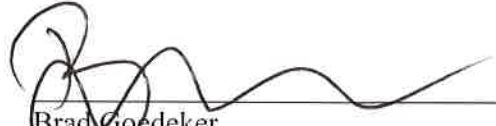
TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

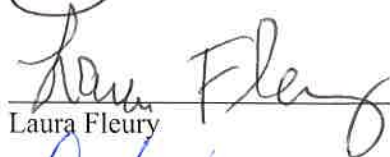
  
\_\_\_\_\_  
Joseph Sayler, President

Voting In Favor

  
\_\_\_\_\_  
Joseph Sayler, President

  
\_\_\_\_\_  
Richard Hill, Vice President

  
\_\_\_\_\_  
Brad Goedecker

  
\_\_\_\_\_  
Laura Fleury

  
\_\_\_\_\_  
David Hawkins

Voting Opposed

\_\_\_\_\_  
Joseph Sayler, President

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Richard Hill, Vice President

\_\_\_\_\_  
Brad Goedecker

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Laura Fleury

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David Hawkins

Attest:

  
\_\_\_\_\_  
Debra L. Hendrickson, Clerk-Treasurer

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