

MUNICIPAL POLICIES AND PROCEDURES

Chapter 18

MUNICIPAL POLICIES AND PROCEDURES

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[HISTORY: Adopted by the Mayor and Town Council of the Town of Frisco 1-23-07, Ord. 07-01]

§ 18.1. Purpose.

The purpose of this chapter is to establish formal procedures for the adoption of policies and procedures by town officers, employees, boards and commissions.

§ 18.2. Definitions.

Unless otherwise required by context or use, words and terms used in this chapter shall be defined as follows:

POLICIES AND PROCEDURES – The whole or any part of any policies and/or procedures and/or fee schedules that are adopted pursuant to a specific authorization set forth in a state statute, town ordinance or other legal authorization and that govern the conduct of public business, including any modifications or amendments thereto. The term “policies and procedures” does not include:

- A. The personnel policies and procedural manuals of the Town;
- B. The Council procedures and rules of order adopted by the Town Council;
- C. The policies and procedures governing the internal operations of any town commission or board, including, but not limited to, the Planning Commission’s rules of procedure; or
- D. Matters relating exclusively to intradepartmental or interdepartmental management or procedures.

PROMULGATING AUTHORITY – The town officer, employee, board or commission promulgating policies and procedures pursuant to a specific authorization set forth in a state statute, town ordinance or other legal authorization.

§ 18.3. Procedure for Promulgation of Policies and Procedures.

- A. Proposed policies and procedures shall be submitted to the Town Attorney for comment prior to promulgation.

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- B. Before becoming effective, all policies and procedures shall be published in accordance with either of the methods set forth below as determined by the promulgating authority:
1. By publishing the policies and procedures as finally promulgated in full one time in a newspaper of general circulation within the town; or
  2. By filing one copy of the policies and procedures with the Town Clerk; one copy with the Town Attorney; and one copy with the promulgating authority; provided, however, that if this method is selected, there shall be published once in a newspaper of general circulation within the town a notice stating:
    - a. That such policies and procedures have been adopted; and
    - b. The effective date of such policies and procedures; and
    - c. A brief summary of the purpose and content of such and procedures.
- C. Not later than two (2) weeks prior to the date on which policies and procedures are promulgated, the promulgating authority shall provide a copy of the proposed policies and procedures to the Town Council.
- D. If the promulgating authority determines, in its discretion, that public comment on any proposed policies and procedures is necessary or desirable, then the promulgating authority shall, prior to the presentation of the proposed policies and procedures to the Town Council pursuant to subsection C above, publish a notice within a newspaper of general circulation within the town and receive public comments on the proposed policies and procedures. Such notice shall: (i) provide a brief summary of the purpose and content of such policies and procedures; (ii) provide a period of not less than ten (10) days during which any person may provide written comments concerning the proposed policies and procedures to the promulgating authority; and (iii) provide the name of the promulgating authority and both a physical and mailing address to which written comments may be delivered

### **§ 18.4. Public Inspection.**

All policies and procedures shall be open to public inspection at all reasonable times.

### **§ 18.5. Authority to Adopt Policies and Procedures.**

No officer, employee, board or commission of the town shall have the power or authority to adopt policies and procedures except pursuant to the authority of a specific state statute, town ordinance or other legal authorization.

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### **§ 18.6. Enforcement of Policies and Procedures.**

Except as set forth below in Section 18.8, policies and procedures may not be enforced unless they were adopted in compliance with this chapter.

### **§ 18.7. Amendments to Policies and Procedures.**

The provisions of this chapter shall apply equally to the promulgation, amendment and repeal of policies and procedures.

### **§ 18.8. Effectiveness of Present Policies and Procedures.**

Nothing in this chapter shall be interpreted or construed to affect the validity of any policies and procedures existing at the time of the adoption of this chapter.