

VINEYARD

ORDINANCE NO. 2023-32

AN ORDINANCE OF THE CITY COUNCIL OF VINEYARD CITY ADOPTING AND AMENDING SECTIONS OF THE MUNICIPAL CODE RELATING TO THE APPOINTMENT AND REMOVAL OF CITY OFFICERS

WHEREAS, the Vineyard City Council has reviewed provisions of the current City Code relating to the appointment and removal of City officers and finds that public interest will be served by updating the City Code; and

WHEREAS, the City Council has held a public hearing on the proposed adoption and amendments and now desires to accept the proposed changes to City Code;

NOW, THEREFORE, be it ordained by the City Council of Vineyard, Utah, as follows:

SECTION 1: ADOPTION “2.04” of the Vineyard Municipal Code is hereby *adopted* as follows:

Section 2.04 Appointed Officers & Employees

2.04.010 Offices Created; Administrative Provisions

- A. Offices Created: The offices of city recorder, finance director, city treasurer, city attorney, and city engineer are created and established consistent with the requirements and authority established by the Utah Municipal Code.
- B. Appointment: The mayor, with the advice and consent of the city council, shall appoint a qualified person to fill each of the offices listed in subsection A, above.
- C. Powers, Duties, and Control: Those persons appointed to the offices listed in subsection A, above, shall be granted all of the powers, duties, and functions established in the Utah Municipal Code for their individual office, subject to the control and policies of the governing body.
- D. Term of Office: The persons appointed to the offices listed in subsection A, above, shall serve at the pleasure of the mayor and the city council and may be removed at any time, with or without cause by the affirmative vote of:
 - 1. the mayor and a majority of the city council; or
 - 2. all council members except the mayor.

E. Compensation: The salary or compensation of a person serving in any of the offices listed in subsection A, above, shall be established by the governing body in accordance with Utah law.

SECTION 2: AMENDMENT. “2.08.010” of the Vineyard Municipal Code is hereby *amended* as follows:

Section 2.08 City Manager

2.08.010 Office Created; Administration Provisions

- A. Office Created: The office of the city manager, which shall be known as "city manager", is created and established pursuant to Utah code section 10-3b-403. The city manager shall be referred to as the city manager or the chief administrative officer.
- B. Control: The powers, duties and functions of the office of city manager shall be subject to the control and policies of the governing body which is defined in state law as being the mayor and council as a group.
- C. Appointment: The governing body mayor, with the advice and consent of the city council, shall appoint the city manager, who shall be appointed on the basis of experience, and administrative and executive abilities and qualifications.
- D. Bond: Before taking office, the city manager shall furnish a fidelity bond, at the expense of the city, in the amount of sixty thousand dollars (\$60,000.00), conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in this state as a surety. Such bond shall be filed with the city recorder after being approved by the governing body.
- E. Term of Office: The city manager shall serve at the pleasure of the governing body mayor and the city council and may be removed at any time, with or without cause by the affirmative vote of the mayor and a majority of the city council, or all council members except the mayor, by a majority vote of the governing body, subject, however, to the provisions of the next succeeding subsections:
 - ~~1. Notice: In the case of removal by the governing body without cause, the city manager shall be furnished with a fourteen (14) days' written notice before the effective date of removal. In the case of removal by the governing body for cause, the governing body may effect removal of the city manager immediately upon notice to the city manager.~~
- F. Discretion of Governing Body: In removing the city manager, the governing body may use its discretion and its action shall be final and shall not depend upon any particular showing or degree of proof.
- G. Employment Agreement: Nothing in this chapter shall be construed as a limitation on the power or authority of the governing body to enter into any supplemental agreement with

the city manager with additional terms and conditions of employment not inconsistent with any provisions of this chapter.

- H. Salary: The salary and other compensation of the city manager shall be established by the governing body in accordance with Utah law.
- I. Office and Time Spent: The city manager shall maintain an office in the city hall and shall spend such time in the performance of the duties of city manager as is necessary or may be required from time to time by the governing body. The City manager shall be an exempt employee for purposes of the fair labor standards act and shall not be entitled to overtime pay unless specifically agreed to by the governing body. The city manager shall not accept any outside employment in addition to employment by the city without prior approval of the governing body.
- J. Residence: The city manager need not be a resident of the city at the time of the city manager's appointment or thereafter.

SECTION 3: AMENDMENT. “2.08.020” Paragraph 7 of the Vineyard Municipal Code is hereby *amended* as follows:

- 7. Except as otherwise provided, be responsible for the overall personnel management function; implement city personnel ordinances, rules, and regulations that have been adopted, approved, or revised by the governing body; coordinate personnel ordinances and rules and regulations adopted by the governing body; coordinate personnel functions with management employees such as recruitment, selection, and appointment; have authority to appoint and remove any employees of the city, except the city recorder, ~~the city treasurer, finance director, city attorney, city planner, or city engineer, who shall be appointed or removed according to the provisions of section 2.04.010 of this municipal code, or~~ employees in the mayor's office (communications director, executive assistant communication staff) who shall be appointed, hired, removed, or terminated ~~by the mayor directly by the mayor or by a majority vote of the governing body and the city attorney who shall be appointed, removed, or terminated by a majority vote of the governing body;~~ serve as a step in the appeals process available to employees with grievances; assist the mayor in monitoring personnel actions, promotion, discipline, demotion, separation, and reclassification; coordinate personnel decisions with department directors; assist the mayor in coordinating activities of individuals rendering professional services under contract with the city.

SECTION 4: AMENDMENT. “15.06.050” of the Vineyard Municipal Code is hereby *amended* as follows:

15.06.050 Vineyard Planner

A. Office created: The office of City Planner is created ~~The Mayor, with the advice and consent of the Mayor and Council, shall designate a person~~ to carry out the administrative responsibilities

of the City's Land Use Ordinances, including this Ordinance. The person so designated shall be known as the City Planner, and may be referred to herein as the "Planner."

B. Appointment: The mayor, with the advice and consent of the city council, shall appoint a qualified person to fill the office of City Planner.

C. Powers and Duties: The Planner shall:

1. Ensure all procedures and provisions of the City's Land Use Ordinances are consistently and equitably applied.
2. Approve, approve with requirements, or deny the following Applications:
 - a. All Temporary Use (T) Applications.
 - b. All Permitted Use (P-1) Applications.
3. Render interpretations of the text of this Ordinance, as provided by VZC 15.04.020.
4. Carry out and complete Determinations of Application Completeness, as provided by VZC 15.24.060.
5. Carry out all other functions, duties, tasks, and actions, as identified herein.

D. Term of Office: The persons appointed to the office of City Planner shall serve at the pleasure of the mayor and the city council and may be removed at any time, with or without cause by the affirmative vote of:

1. the mayor and a majority of the city council; or
2. all council members except the mayor.

E. Compensation: The salary or compensation of the City Planner shall be established by the governing body in accordance with Utah law.

SECTION 5: SEVERABILITY. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

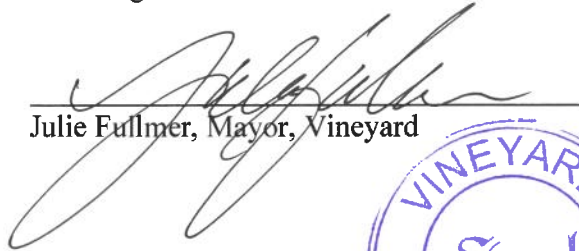
SECTION 6: EFFECTIVE DATE. This Ordinance shall take effect upon publication or posting.

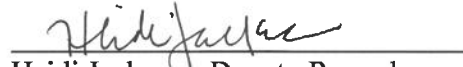
PASSED AND ADOPTED BY THE VINEYARD COUNCIL ON THE 13 DAY OF DECEMBER, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Julie Fullmer	<u>X</u>	_____	_____	_____
Tyce Flake	<u>X</u>	_____	_____	_____
Amber Rasmussen	<u>X</u>	_____	_____	_____
Mardi Sifuentes	_____	<u>X</u>	_____	_____
Cristy Welsh	<u>X</u>	_____	_____	_____

Presiding Officer

Attest


 Julie Fullmer, Mayor, Vineyard


 Heidi Jackman, Deputy Recorder
 Vineyard



CERTIFICATE OF POSTING

I, THE DULY APPOINTED AND ACTING DEPUTY RECORDER FOR VINEYARD, UTAH, HEREBY CERTIFY THAT COPIES OF THE FOREGOING **ORDINANCE SUMMARY** FOR ORDINANCE 2023-32 WERE POSTED AT THE FOLLOWING PUBLIC PLACES WITHIN THE MUNICIPALITY ON THE 4th DAY OF JANUARY 2024. WHICH PUBLIC PLACES ARE:

POSTED:

1. VINEYARD CITY OFFICES; 125 SOUTH MAIN
2. VINEYARD CITY WEBSITE; www.vineyard.utah.gov
3. UTAH PUBLIC NOTICE WEBSITE

AND THAT SAID NOTICE REMAINED SO POSTED AND AVAILABLE UNTIL THE 3rd DAY OF FEBRUARY 2024.



Heidi Joerwa

Name/Signature

Deputy Recorder
Title