



**THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
March 27, 2024**

8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

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WORK SESSION 6:15 pm

1. CALL TO ORDER

2. DISCUSSION TOPICS

- a. Discussion of amendments to Title 2 – Executive Branch Committees
- b. Discussion of amendments to Title 1 Chapter 8 – Administrative
- c. Discussion regarding Changing or Removing the Senior Housing Overlay District (SHO) Designation or any other Overlay Zoning District Designation amending Sections 13-6H-12(A) and (D) development plan requirements; Section 13-7D-4 (C) 2 and 3; Authorized applicant; council work session and quarterly map meeting; Section 13-7D-6 (A) 6; Criteria to Recommend Approval; 13-7I-5 (B) 4; Variation from approved plans and development standards. City of West Jordan applicant; Larry Gardner.

3. ADJOURN

UPCOMING CITY COUNCIL MEETINGS

- Wednesday, April 10, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, April 24, 2024 – Regular City Council Meeting – 6:00p

- Wednesday, May 8, 2024 – Regular City Council Meeting – 6:00p
- Wednesday, May 15, 2024 – Committee of the Whole Meeting – 6:00p
- Wednesday, May 22, 2024 – Regular City Council Meeting – 6:00p

Interested parties may contact the Council PRIOR to the meeting in one of the following ways: (your comment will not be part of the meeting but will be provided to all members of the entire City Council)

- Call the 24-hour Public Comment Line PRIOR to the meeting and leave a message: **(801) 569-5052**. Please include your name and phone number.
- Send an email to councilcomments@westjordan.utah.gov. Please include your name and phone number.

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One or more council members may participate electronically in this meeting using online video conferencing technology per Utah Code (§52-4-207) and West Jordan City Code 1-13-1-E. Participation will be broadcast and amplified so all persons present in the meeting will be able to hear or see the communication.

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CERTIFICATE OF POSTING

I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmn/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and West Jordan Journal.

Please note: agenda items are subject to change and may be reordered or tabled in order to accommodate the needs of the City Council, staff, and the public.

Posted and dated March 25, 2024 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 03/27/2024

Presenter: Alan Anderson

Deadline of item : Click or tap

Applicant: City Council

Department Sponsor: Council Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 10

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of amendments to Title 2 – Executive Branch Committees

2. EXECUTIVE SUMMARY

At the November 8, 2023 Committee of the Whole meeting Council discussed Title 2 amendments and gave support for the mayor to manage Executive Branch Committees by Executive Order. Provisions such as defined terms of service and purpose could be included in an Executive Order by the Mayor’s office. Council Staff indicated they would bring the draft back to a future Committee of the Whole for further discussion as directed by the City Council.

At the February 21, 2024 Committee of the Whole meeting, Council Members Green, Whitelock, Bedore, and Jacob requested to amend the entire title and gave support for the following amendments:

- Simplify the existing code.
- Move the definition section to the top of Title 2,
- Eliminate references to Executive Committees,
- Retain Statutory Committees,
- Allow two-term limits (6 years) for Statutory Committee members,
- Board of Adjustment decisions should require a statutory majority,
- All Statutory boards will follow OPMA
- All Statutory board votes will be a simple majority of those appointed.
- Board of Building Appeals should reference Title 10 – Building Regulations,
- Include language in the code to require an Annual Report from groups who receive money annually from the City – (action should be done by resolution or contract)

Council asked that this draft return to the Committee of the Whole for further review.

The Council staff and city attorney’s office believe we have met council direction with the proposed draft.

3. TIME SENSITIVITY / URGENCY

None

4. FISCAL NOTE

There is no budget impact by implementing this code. The mayor may request funding for various committees through the budget process or budget amendments which would be performed by consensus of the council.

5. STAFF ANALYSIS

Please see the Council Staff Report

Committee of the Whole Meeting

Council Staff Review



Item Name: Title 2 amendment discussion
Department: Office of the City Council
Action Needed: Discussion item; input requested from council

EXECUTIVE SUMMARY

Discussion of the amendments to Title 2 – Executive Branch Committees.

BACKGROUND AND TIMELINE

The council originally discussed changes to the Title 2 “Executive Branch Committees” during the Committee of the Whole meeting on November 8, 2023, and was most recently discussed in the February 21 Committee of the Whole meeting.

Direction was given to simplify committee efficiencies and to allow the mayor the ability to create, and dissolve volunteer committees by Executive Order. Contemplated changes also allow the mayor, and the mayor’s staff, to manage the executive committees.

COUNCIL OFFICE ANALYSIS

The redline attachment has been further revised as a result of feedback from council in the February 21 COTW meeting.

Not including minor grammatical adjustments, summarized changes:

Chapter 1

- Lines 2-12: Scope and Purpose revised and simplified.
- Lines 13-18: Appointment of Committee Members deleted.
- Lines 19-30: Definitions revised and simplified.
- Lines 31-36: Appointment of Committee Members revised.
- Lines 37-64: Various Terms revised and clarified.
- Lines 65-74: Vacancies revised and simplified.
- Lines 75-96: Qualification and Residency Requirements revised and compressed.
- Lines 97-112: Sections on Committee Size/Appointment of Committee Officers placed elsewhere or deleted.
- Lines 113-130: Quorum and Creation of Executive Committees revised and simplified.
- Lines 131-159: Meetings, Times, Locations and Open and Public Meetings Act revised, deleted, or placed elsewhere.
- Lines 160-167: Attorney and Other City Staff Support revised.
- Lines 168-180: Budget and Compensation sections removed or placed elsewhere.

Committee of the Whole Meeting

Council Staff Review



- Lines 181-189: Termination or Removal revised and simplified.
- Lines 190-207: Liability Coverage and Indemnification and Rules, Policy, Procedure revised and simplified.
- Lines 208-217: Member Attendance Requirements and No Power to Administer or Enforce Law removed or placed elsewhere.
- Lines 218-245: Ethics and Conflicts of Interest, Training, Support Organizations revised.

Chapter 2

- Lines 254-260: Planning Commission Established revised.
- Lines 261-278: Appointment and Term revised.
- Lines 279-314: Powers and Duties revised.

Chapter 3

- Lines 321-384: Various revisions relating to Board of Adjustment.

Chapter 4

- Lines 393-419: Various revisions relating to Other Statutory Committees and Hearing Officers.

Chapter 6

- Lines 430-465: Various revisions as they relate to City Support of Unrelated Charitable or Educational Entities.

1 EXECUTIVE BRANCH COMMITTEES

2 ~~2-1-1: SCOPE OF PROVISIONS AND PURPOSE:~~

3 ~~Subject to the following exceptions, this title governs~~The purpose of this title is to govern
4 all-city boards, commissions, agencies, and support organizations, or committees of the
5 executive branch: (1) this title does not govern the creation, operation, structure, or any
6 other elements of internal committees of city employees, which may be created, disbanded,
7 and governed by the mayor in his/her sole discretion; and (2) when the law specifically
8 provides otherwise. City council committees are governed by title 1, chapter 6 of this code.
9 ~~For the purposes of this title,~~This title does not govern City Council Committees established
10 under title 1, chapter 6. Any references to “law” will include city ordinances. (2001 Code §
11 2-6-101; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on
12 January 6, 2020; Ord. 20-38, 9-30-2020; Ord. 20-47, 12-16-2020)

13 ~~2-1-2: APPOINTMENT OF COMMITTEE MEMBERS:~~

14 ~~Members of the boards, commissions, agencies, support organizations or committees~~
15 ~~created through and governed by this title shall be appointed to an initial term, or~~
16 ~~reappointed to an additional term, by the mayor, unless otherwise required or allowed by~~
17 ~~law. (2001 Code § 2-6-102; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at~~
18 ~~12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)~~

19 ~~2-1-3: DEFINITIONS:~~

20 As used in this chapter:

- 21 1. “Statutory Committee” means a body required or allowed by state law. The mayor
22 appoints or reappoints members with the advice and consent of the city council.
23 2. “Executive Committee” or just “Committee” means a body not required by state law.
24 The mayor appoints or reappoints members without the advice and consent of the
25 city council.
26 3. “Support Organization” means a city-controlled tax-exempt entity formed to assist
27 the city. The entity raises private funds for the city’s public purposes.

28 (2001 Code § 2-6-103; amd. Ord. 10-08, 2-24-2010; Ord. 19- 53, 12-11-2019, Effective at 12 noon
29 on January 6, 2020; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-
30 30-2020)

~~ADVICE AND CONSENT: A duty of the city council is to vote on Mayoral appointments, when required by statute or ordinance; each vote may either approve or disapprove of a given appointment.~~

~~CITY ADMINISTRATION: The mayor and city administrator and the authorized officers and assistants acting on their behalf.~~

~~COMMITTEE: Unless otherwise expressly provided, as used in this chapter, the term “committee” includes every executive branch board, commission, agency or committee of the city,~~

either individually or collectively, as the term in context would indicate.

STATUTORY COMMITTEE: An executive branch committee which is required or allowed by state law ("statutory committee"). The members are appointed or reappointed by the mayor, with the advice and consent of the city council, unless otherwise specifically stated under law.

SUPPORT ORGANIZATION: A city-controlled tax exempt entity created to assist the city in raising private funds for the city's public purposes.

EXECUTIVE BRANCH COMMITTEE: An executive branch committee, which is not required by state law, with the members to be appointed by the mayor, without the advice and consent of the city council..(2001 Code § 2-6-103; amd. Ord. 10-08, 2-24-2010; Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

31 2-1-3: APPOINTMENT OF COMMITTEE MEMBERS:

32 The mayor shall appoint, or reappoint, members to an Executive Committee or Statutory
33 Committee. The mayor shall provide the city council with the prior experience and
34 background information on members whose appointment, or reappointment, requires
35 advice and consent. (2001 Code § 2-6-102; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-
36 2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

37 2-1-4: TERMS:

38 A. Statutory Committee Member Terms: Appointment shall be for a term of three years,
39 or as provided by law. The mayor may adjust the initial terms for members of newly
40 created committees to stagger term expirations and ensure continuity within the
41 committee. The term of each committee member shall expire: 1) on December 31 of
42 the last year of the expiring term; or 2) the date the committee member ceases to
43 reside within the city. The terms for each member of a committee shall be three (3)
44 calendar years, unless otherwise specifically provided by law. The initial terms for
45 members of newly created committees may be shortened or lengthened to achieve a
46 staggering of term expirations and to maintain continuity of the committee. The term
47 of each committee member shall expire: 1) on December 31 of the last year of the
48 expiring term.

49 B. Statutory Committee Member Terms: The terms for each member of a Statutory
50 Committee shall be three (3) years, unless otherwise specifically provided by law. The
51 initial terms for members may be shortened or lengthened to achieve a staggering of
52 term expirations and to maintain continuity of the Statutory Committee. The term of
53 each Committee member shall expire: 1) on December 31 of the last year of the
54 expiring term

55 ~~—B. Support Organizations: Support organizations act as separate legal entities,~~
56 ~~determining the terms and holding elections for trustees/directors/managers as~~
57 ~~outlined in their organizational documents and Utah law. Support organizations are~~
58 ~~separate legal entities and the terms and elections of trustees/directors/managers~~
59 ~~shall be as provided in the entity's organizational documents and in applicable Utah~~
60 ~~law.~~

61 C. Executive Committee member terms may be set by executive order.

62 D. The city council can waive the term limit for any Statutory Committee member by
63 passing a reappointment resolution that specifically waives Subsection A. The mayor
64 must also recommend the waiver.

65 2-1-5: VACANCIES:

66 ~~A. Committees: The mayor shall fill vacancies on committees mentioned in this title for~~
67 ~~the remaining term of the original appointment. The mayor will only fill vacancies on~~
68 ~~Statutory Committees after receiving advice and consent. Vacancies occurring on any~~
69 ~~committee referenced under this title, shall be filled by the mayor, for the remainder of the~~
70 ~~unexpired term of the original appointment.~~

71 ~~B. Support Organizations: Vacancies on management boards~~ Support Organizations shall
72 be handled according to the bylaws or operating agreement of the entity. (2001 Code § 2-6-
73 106; 2009 Code § 2-1-6; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12
74 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

75 2-1-6: QUALIFICATIONS; RESIDENCY REQUIREMENTS:

76 Statutory Committee members shall meet the following qualifications:

77 A. Must have their primary residence within the city; and

78 B. Must be a registered voter.

79 The mayor may set their own qualifications for Executive Committee members.

80 ~~Unless otherwise specifically provided in this title, the following conditions and restrictions~~
81 ~~apply to all committees and support organizations:~~

82 ~~—A. Residency:~~

83 ~~—1. Committee Members Generally Residents: Except as expressly provided otherwise,~~
84 ~~voting membership on any committee or support organization is limited to residents of the~~
85 ~~city appointed by the mayor, who are persons eighteen (18) years of age or older.~~

86 ~~—2. Business And Property Owners: For purposes of committee membership, an owner~~
87 ~~of a business located in West Jordan and an owner of property located in West Jordan, even~~
88 ~~though the owner does not actually reside in West Jordan, are deemed residents of the city.~~

89 ~~—B. Nonresidents:~~

90 —1. ~~Nonresident Members: Nonresidents may be appointed if the mayor finds that~~
91 ~~special expertise, unique needs of the committee or support organization, or special~~
92 ~~circumstances make such a nonresident appointment to be in the public interest.~~

93 —2. ~~Nonresident Members Prohibited: Nonresidents may not be appointed to the~~
94 ~~planning commission or West Jordan youth council.~~ (2001 Code § 2-6-107; 2009 Code § 2-
95 1-7; amd. Ord. 10-08, 2-24-2010; Ord. 10-12, 4-28-2010; Ord. 11-04, 2-9-2011; Ord. 19-16,
96 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

97 ~~2-1-7: COMMITTEE SIZE:~~

98 ~~All committees will consist of up to a maximum of fifteen (15) members, unless otherwise~~
99 ~~specifically provided by law. Other ex officio members and subcommittee members may be~~
100 ~~appointed, as needed. (2001 Code § 2-6-109; 2009 Code § 2-1-9; amd. Ord. 10-08, 2-24-~~
101 ~~2010; Ord. 20-38, 9-30-2020)~~

102 ~~2-1-8: APPOINTMENT OF COMMITTEE OFFICERS:~~

103 —A. ~~Appointment Of Chair And Vice Chair: The mayor, may appoint, from among the~~
104 ~~committee members, a temporary initial chairperson at the time a committee is created.~~
105 ~~Thereafter, at one of its regular meetings in January of each year, each committee shall~~
106 ~~elect one of its own members to serve as chair and another to serve as vice chair. The chair~~
107 ~~and vice chair shall each be appointed for a one calendar year term, or until their successor~~
108 ~~is appointed, whichever comes last.~~

109 —B. ~~Appointment Of Other Officers: In like manner, other officers may be elected or~~
110 ~~temporarily appointed. (2001 Code § 2-6-105; 2009 Code § 2-1-5; amd. Ord. 10-08, 2-24-~~
111 ~~2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-~~
112 ~~2020)~~

113 ~~2-1-9: QUORUM:~~

114 A quorum is necessary for a Statutory Committee to conduct business. ~~Except as expressly~~
115 ~~provided to the contrary in this code, a~~ quorum shall consist of a simple majority of the
116 appointed voting members. (2001 Code § 2-6-110; 2009 Code § 2-1-10; amd. Ord. 10-08, 2-
117 24-2010; Ord. 20-38, 9-30-2020)

118 ~~2-1-10: CREATION OF EXECUTIVE BRANCH COMMITTEES:~~

119 ~~All committees are presumed to be executive branch committees unless otherwise~~
120 ~~designated by ordinance or resolution.~~ The mayor may create and/or dissolve executive
121 committees to serve the city as a whole by executive order. ~~Any such committees so~~
122 ~~organized shall report to, be coordinated by, and have a liaison with the city through the~~
123 ~~executive branch of city government in a manner designated by the mayor.~~ A signed
124 executive order shall accompany all creation or dissolution actions taken by the mayor.
125 The executive order shall include language surrounding the scope of each committee,
126 including, but not limited to, the purpose for the committee, stated goals for the committee
127 to accomplish, vision for growth, anticipated involvement of the committee, and whether
128 the committee is temporary. (2001 Code § 2-6-111; 2009 Code § 2-1-11; amd. Ord. 10-08,

129 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-
130 30-2020)

131 2-1-~~119~~: MEETINGS; TIMES, LOCATIONS:

132 ~~Statutory Committees shall meet as necessary. They shall conduct meetings at, or anchor~~
133 ~~them from, the West Jordan City Hall. Notice of meetings will be given as mandated by~~
134 ~~law~~Committees shall meet as needed. Meetings required by this title shall, if reasonably
135 possible, be conducted at, or anchored from, the West Jordan City Hall, and at a date and
136 time approved by vote of the committee, or as otherwise provided by law. (2001 Code § 2-
137 6-112; 2009 Code § 2-1-12; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

138 2-1-~~1210~~: OPEN AND PUBLIC MEETINGS ACTSTATUTORY COMMITTEES:

139 Each ~~statutory~~Statutory committee Committee and support Support organization
140 Organization willshall comply with the Open and Public Meetings Act as contained in Utah
141 Code title 52, chapter 4, part 1 and its successor provisions.:

142 ~~—A. Comply with all requirements of applicable Utah law with respect to open and public~~
143 ~~meetings, including posting agendas and keeping minutes of the meetings that are open to~~
144 ~~the general public as required by law;~~

145 ~~—B. Keep minutes of each of its meetings, which shall be public records; and~~

146 ~~—C. Maintain its public records and provide public access to said records in compliance~~
147 ~~with Utah law. (Ord. 20-38, 9-30-2020)~~

148 2-1-13: TITLE 2 COMMITTEES:

149 Each non-statutory title 2 executive committee and support organization shall comply with
150 all relevant legal requirements. (Ord. 20-38, 9-30-2020)

151 2-1-14: COUNCIL LIAISON:

152 The city council may assign one of its members to serve as an ex officio nonvoting member
153 of any committee or support organization; however, failure to do so or the failure of the
154 liaison representative to attend any meeting shall not affect the validity of any otherwise
155 lawful act of the committee. The term of an ex officio member of a committee or support
156 organization will end at the earlier of: a) when another council member is assigned to
157 replace that person, or b) when that person no longer holds the ex officio government
158 position. (2001 Code § 2-6-115; 2009 Code § 2-1-15; amd. Ord. 10-08, 2-24-2010; Ord. 19-
159 16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

160 2-1-~~1511~~: CITY ATTORNEY AND OTHER CITY STAFF SUPPORT:

161 ~~The mayor or city administrator may assign the personnel and resources needed to assist~~
162 ~~Statutory Committees and Support Organizations. The city attorney may provide advice to~~
163 ~~any Statutory Committee or Support Organization. The city administrator shall assign such~~
164 ~~personnel as he shall deem necessary to assist the committees and support organizations.~~
165 ~~The city attorney may provide advice to any committee or support organization. (2001~~

166 Code § 2-6-116; 2009 Code § 2-1-16; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019,
167 Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

168 ~~2-1-16: BUDGET, LIMITATION AND FISCAL CONTROLS:~~

169 ~~Standing committees shall comply with all budget policies, fiscal policies, and other~~
170 ~~relevant city policies. (2001 Code § 2-6-117; 2009 Code § 2-1-17; amd. Ord. 10-08, 2-24-~~
171 ~~2010 and 2001 Code § 2-6-121; 2009 Code § 2-1-21; amd. Ord. 10-08, 2-24-2010; Ord. 19-~~
172 ~~16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)~~

173 ~~2-1-17: COMPENSATION:~~

174 ~~Except as expressly provided otherwise in this title, no officer or member of any committee~~
175 ~~or support organization may receive any remuneration, pay, stipend or other consideration~~
176 ~~of monetary value from any committee or city resources attributable to or budgeted for any~~
177 ~~committee created under this title. No committee member or support organization official~~
178 ~~may vote for a contract or to obtain a service or product that would employ or financially~~
179 ~~benefit that person. (2001 Code § 2-6-118; 2009 Code § 2-1-18; amd. Ord. 10-08, 2-24-~~
180 ~~2010; Ord. 20-38, 9-30-2020)~~

181 ~~2-1-18~~12: TERMINATION OR REMOVAL:

182 ~~The mayor may remove any member of Statutory Committees and Support Organizations.~~
183 ~~The mayor may remove a member without cause, unless state law says otherwise~~
184 ~~Each committee member and support organization official serves at the pleasure of the mayor~~
185 ~~and may be terminated, without cause, by the mayor, unless a showing of cause is~~
186 ~~specifically required for terminating a given committee member or support organization~~
187 ~~official by state law. (2001 Code § 2-6-119; 2009 Code § 2-1-19; amd. Ord. 10-08, 2-24-~~
188 ~~2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-~~
189 ~~2020)~~

190 ~~2-1-13~~9: LIABILITY COVERAGE AND INDEMNIFICATION:

191 ~~Each Statutory Committee member and Support Organization official acts as a volunteer~~
192 ~~public servant. They will receive immunities, legal representation, and indemnification as~~
193 ~~outlined in the Utah Governmental Immunity Act~~
194 ~~Each duly appointed committee member and support organization official is a volunteer public servant. Each will be entitled to such~~
195 ~~immunities, legal representation and indemnification as provided under the Utah~~
196 ~~Governmental Immunity Act, specifically including the provisions of Utah Code Annotated~~
197 ~~title 63, chapter 30b, or any successor provision. (2001 Code § 2-6-120; 2009 Code § 2-1-~~
198 ~~20; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)~~

199 ~~2-1-20~~14: RULES, POLICY, PROCEDURE:

200 ~~Each Statutory Committee and Support Organization may adopt bylaws for its own~~
201 ~~organization and for the transaction of business. Bylaws shall comply with the~~
202 ~~requirements of law and are subject to periodic review by the mayor~~
203 ~~Each committee and support organization may adopt rules of conduct and procedure for its own organization~~
204 ~~and for the transaction of business that are not inconsistent with the requirements of law,~~

205 ~~subject to periodic review by the mayor.~~ (2001 Code § 2-6-122; 2009 Code § 2-1-22; amd.
206 Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020;
207 Ord. 20-38, 9-30-2020)

208 ~~2-1-21: MEMBER ATTENDANCE REQUIREMENTS:~~

209 ~~It is the duty of each committee member and support organization official to regularly and~~
210 ~~punctually attend all scheduled and duly noticed meetings. Failure to do so may result in~~
211 ~~removal. (2001 Code § 2-6-123; 2009 Code § 2-1-23; amd. Ord. 10-08, 2-24-2010; Ord. 19-~~
212 ~~16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)~~

213 ~~2-1-22: NO POWER TO ADMINISTER OR ENFORCE LAW:~~

214 ~~No title 2 committee or support organization has the authority, responsibility, power or~~
215 ~~jurisdiction to enforce any city ordinance or regulation, unless specifically provided by law.~~
216 ~~(2001 Code § 2-6-124; 2009 Code § 2-1-24; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-~~
217 ~~2020)~~

218 ~~2-1-23~~15: ETHICS AND CONFLICTS OF INTEREST:

219 ~~Members of Statutory Committees and Support Organizations must comply with Title 1,~~
220 ~~Chapter 11, and any other similar policies adopted by the city~~Committee and support
221 ~~organization members shall be subject to and shall be required to comply with title 1,~~
222 ~~chapter 11 of this code, as well as any other similar policies adopted by the city.~~ (2001 Code
223 § 2-6-125; 2009 Code § 2-1-25; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

224 ~~2-1-24~~16: TRAINING:

225 ~~The city administrator will ensure that all members of Statutory Committees and Support~~
226 ~~Organizations receive yearly training. This training will cover the rules outlined in this~~
227 ~~chapter and other important topics related to Statutory Committees and Support~~
228 ~~Organizations~~The city administrator shall provide for and schedule annual training for all
229 ~~members of all city committees and support organizations. The purpose of the training will~~
230 ~~be to review the provisions and requirements of this chapter, and other issues and~~
231 ~~developments that are pertinent to city committees and support organizations.~~ (Ord. 10-08,
232 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-
233 30-2020)

234 ~~2-1-25: [RESERVED]:~~

235 ~~2-1-26~~17: SUPPORT ORGANIZATIONS:

236 ~~Because Support Organizations are distinct legal entities formed under state corporation or~~
237 ~~similar laws, they must follow filed articles of incorporation or articles of organization, and~~
238 ~~legally adopted bylaws or operating agreements. The city attorney, and the city council,~~
239 ~~must review and approve these governing documents~~Because support organizations are
240 ~~separate legal entities organized under state corporation or similar laws, the governance of~~
241 ~~such entities will of legal necessity be according to filed articles of incorporation or articles~~
242 ~~of organization, and according to legally adopted bylaws or operating agreements. All such~~
243 ~~governing documents must comport and not conflict with this chapter, and shall be~~

244 reviewed and approved by the city attorney and approved by the city council. (Ord. 10-08,
245 2-24-2010; amd. Ord. 20-38, 9-30-2020)

246

247 CHAPTER 2

248 PLANNING COMMISSION

249 SECTION:

250 2-2-1: Planning Commission Established

251 2-2-2: Appointment and Term

252 2-2-3: Powers and Duties

253 2-2-1: PLANNING COMMISSION ESTABLISHED:

254 The West Jordan Planning Commission is a Statutory Committee established pursuant to
255 the Utah Municipal Land Use, Development, and Management Act, or its successor
256 provisions. This chapter and chapter 1 outline the organization and governance of the
257 planning commission~~The West Jordan Planning Commission is a Statutory Commission and~~
258 ~~is established pursuant to the Utah Municipal Land Use, Development, and Management~~
259 ~~Act, or its successor provisions, and is organized and governed as provided in this chapter~~
260 ~~and in chapter 1.~~

261 2-2-2: APPOINTMENT AND TERM:

262 A. The mayor shall appoint, with the advice and consent of the city council, seven ~~(7)~~
263 qualified persons to be regular members of the planning commission, ~~each to serve a~~
264 ~~three (3) year term.~~

265 B. Planning commission members may serve a maximum of two full consecutive terms
266 or six years in office, whichever is longer~~No appointed member shall serve more than~~
267 ~~two (2) consecutive terms on the planning commission. Provided that, appointment~~
268 ~~to a position created by any vacancy shall not be included in the determination of any~~
269 ~~person's eligibility to serve two (2) consecutive full terms.~~

270 C. The compensation schedule adopted by the city council in the annual budget will set
271 compensation for the planning commission members~~Each member of the planning~~
272 ~~commission shall be compensated according to the compensation schedule adopted~~
273 ~~by the city council, in the annual budget or as otherwise adopted.~~

274 D. All planning commission members shall comply with the training requirements set
275 forth in Utah Code 10-9a-302(b) and its successor provisions. Newly appointed
276 members to the planning commission must comply with the training requirements set
277 forth in Utah Code 10-9a-302(c) and its successor provisions.

278 ~~€~~ (2001 Code § 2-6-1401; amd. Ord. 20-38, 9-30-2020)

279 2-2-3: POWERS AND DUTIES:

280 The planning commission shall have the powers and duties set forth in the Utah Municipal
281 Land Use Development and Management Act, or its successor provisions, and city law.
282 These powers and duties include:

283 A. ~~Provide recommendations to the city council for the general plan and amendments to~~
284 ~~the general plan.~~Adopt General Plan: After holding required public hearings, preparing and
285 recommending a general plan and amendments to it to the city council.

286 B. ~~Zoning Ordinance And Other Land Use Regulations: Recommending~~Provide
287 recommendations to the city council on zoning ordinances and maps and amendments
288 thereto, as well as other land use regulations,~~as appropriate.~~

289 C. Administer ~~Land Use: Administering~~ the provisions of title 13 and the other land use
290 titles of this code, or its successor, as provided by law.

291 D. ~~Advise City Council: Recommending~~Provide recommendations to the city council on
292 subdivision ordinances, regulations and amendments thereto,~~as appropriate. Also,~~
293 ~~advise~~Advise the city council on land use, real property transactions, street closure and
294 other matters, as ~~the city council may direct or request~~necessary.

295 E. ~~Review Plats And Development Proposals: Approving~~ or denying subdivision plats,
296 commercial development site plans, and other developments, ~~in accordance with~~
297 ~~the~~pursuant to city development standards ~~established by the city~~ or otherwise provided
298 by law.

299 F. ~~Conditional Use Permits: Hearing or~~and ~~deciding~~ any matters ~~that the city council by~~
300 ~~ordinance designates~~designated by ordinance, including ~~recommendations to approving~~
301 ~~or~~ denying conditional use permits,~~in accordance with the provisions of applicable law.~~

302 ~~G. Administer Oaths; Witnesses: The chairperson or, in the absence of the chairperson,~~
303 ~~the acting chairperson may administer oaths and compel the attendance of witnesses, as~~
304 ~~authorized by law and in Utah Code Annotated section 10-9a-302, or any successor~~
305 ~~provision.~~

306 HG. Miscellaneous Functions: The Planning Commission may exercise any other powers
307 necessary to enable it to perform its functions in accordance with city or state law, or those
308 lawfully delegated to it~~Exercising any other powers that are necessary to enable it to~~
309 ~~perform its functions in accordance with the provisions of city or state law, or which are~~
310 ~~lawfully delegated to it by the city council. (2001 Code § 2-6-1402; Ord. 19-16, 4-10-2019,~~
311 ~~Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020) on may adopt policies and~~
312 ~~procedures for its own organization, the transaction of business and for conducting its~~
313 ~~meetings. (2001 Code § 2-6-1409)~~

314

315 CHAPTER 3
316 BOARD OF ADJUSTMENT

317 SECTION:

318 2-3-1: Board of Adjustment Established

319 2-3-2: Appointment and Term

320 2-3-3: Powers and Duties

321 2-3-4: Savings Clause

322 2-3-1: BOARD OF ADJUSTMENT ESTABLISHED:

323 The ~~Board~~board of ~~Adjustment~~adjustment is a land use appeal authority and Statutory
324 Committee created pursuant to the authority provided in the Utah Municipal Land Use
325 Development and Management Act (~~Utah Code Annotated sections 10-9a-701 et seq., or its~~
326 ~~successor provisions~~), and other applicable state and city law. This chapter and chapter 1
327 outline the organization and governance of the board of adjustment~~It is organized and~~
328 ~~governed as provided in this chapter and in chapter 1.~~

329 2-3-2: APPOINTMENT AND TERM

330 A. The mayor shall appoint, with the advice and consent of the city council, five ~~(5)~~
331 qualified persons to be regular members of the board of adjustment, and one additional
332 qualified person to be an alternate member, ~~each for a three (3) year term.~~

333 B. Board of adjustment members may serve a maximum of two full consecutive terms or
334 six years in office, whichever is longer~~Term limits for members of the board of adjustment~~
335 ~~prohibit a member from serving for more than two (2) consecutive three (3) year terms.~~

336 C. The compensation schedule adopted by the city council in the annual budget will set
337 compensation for the board of adjustment members.~~Each member of the board of~~
338 ~~adjustment shall be compensated according to the compensation schedule adopted by the~~
339 ~~city council, in the annual budget or as otherwise adopted;.~~

340 2-3-3: POWERS AND DUTIES:

341 The board of adjustment shall have those powers and duties as set forth in the ~~Utah~~
342 Municipal Land Use Development and Management Act, or any successor provision, and
343 city law. These powers and duties include, ~~but are not limited to:~~

344 A. ~~Administrative Decision Appeals:~~ Hearing and decideing petitions for appeals of
345 administrative decisions regarding the application or enforcement of ~~Title~~title 13 of this
346 code.

347 B. ~~Variances:~~ Hearing and decideing requests for variances from the terms of Title 13 of
348 this code, as described in Title 13, Chapter 7, Article ~~H-G~~ of this code, or any successor
349 provision.

350 C. ~~Nonconforming Uses:~~ Obtaining verification or makeing determinations regarding the
351 legality of a claimed nonconforming use or nonconforming building.

352 ~~—D. Administer Oaths; Witnesses: The chairperson or, in the absence of the chairperson,~~
353 ~~the acting chairperson, may administer oaths and compel the attendance of witnesses, as~~

354 authorized in Utah Code Annotated section 10-9a-701 et seq., or any successor provision,
355 or other applicable provisions of law.

356 ED. Three members of the board of adjustment must concur to make any decision,
357 including the reversal of any order, requirement, decision, or determination made by an
358 administrative official or agency, or to rule in favor of an appellantThe concurring vote of a
359 majority of the convened board of adjustment is necessary to make any decision, including
360 a ruling to reverse any order, requirement, decision or determination of any administrative
361 official or agency, or to decide in favor of an appellant.

362 FE. The board of adjustment's decisions become effective at the meeting where the
363 decision is made, unless the decision or the board's bylaws specify a different
364 timeDecisions of the board of adjustment become effective at the meeting in which the
365 decision is made, unless a different time is designated in the decision or in the board's rules
366 of procedure.

367 GF. The board of adjustment shall send notice of all meetings or hearings to each
368 member no later than seven calendar days before the proposed meeting. Each member of
369 the board of adjustments shall have access to all information, materials, briefs, and
370 resources pertaining to each case. All members of the board of adjustment shall have
371 access to the same city resources necessary in order to discharge their dutiesNotice of all
372 meetings or hearings shall be sent to each member of the Board of Adjustment no later
373 than seven (7) calendar days prior to the proposed meeting. Each member of the Board of
374 Adjustments shall have access to all information, materials, briefs, and resources pertaining
375 to each case. All members of the Board of Adjustment shall have access to the same City
376 resources necessary in order to discharge their duties.

377 H.G. The board of adjustment shall make all decisions in writing and must issue them no
378 later than 14 days after the hearingAll decisions made by the Board of Adjustment shall be
379 made in writing and shall be issued no later than fourteen (14) days after the hearing.
380 (2001 Code § 2-6-1501; and Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6,
381 2020; Ord. 20-38, 9-30-2020)

382 2-3-5: SAVINGS CLAUSE:

383 This chapter does not affect any proceeding, or a board of adjustment member term length
384 commenced prior to MONTH DAY, YEAR.

385 CHAPTER 4

386 OTHER STATUTORY COMMITTEES AND HEARING OFFICERS

387 SECTION:

388 2-4-1: Ethics Commission

389 2-4-2: Employee Discipline Hearing Officer

390 2-4-3: Administrative Law Judge

391 2-4-4: Board ~~O~~of Building Appeals

392 2-4-1: ETHICS COMMISSION:

393 State law allows each city to form their own ethics commission. The City of West Jordan
394 has elected to not have its own ethics commission, and instead will utilize the Political
395 Subdivisions Ethics Review Commission as established in Utah Code title 63A, chapter 15,
396 part 2. The ethics commission is statutorily allowed by state law (Utah Code Annotated
397 section 10-3-1311). The City of West Jordan has elected to not have its own ethics
398 commission, and instead will utilize the Political Subdivisions Ethics Review Commission as
399 established in Title 63A, Chapter 15, Part 2 of the Utah State Code.

400 2-4-2: EMPLOYEE DISCIPLINE HEARING OFFICER:

401 The city has created an Employee Discipline Hearing Officer pursuant to State law. The
402 function, powers, and duties of the employee discipline hearing officer are set forth in title
403 1, chapter 12 of this code.

404 ~~The Employee Discipline Hearing Officer is statutorily allowed by State law. The function~~
405 ~~and powers and duties of the employee discipline hearing officer are set forth in title 1,~~
406 ~~chapter 12 of this code. (Ord. 20-38, 9-30-2020)~~

407 2-4-3: ADMINISTRATIVE LAW JUDGE:

408 The city has an Administrative Law Judge as allowed by state law. The function and powers
409 and duties of the administrative law judge are set forth in title 16 of this code.

410 ~~The Administrative Law Judge is statutorily allowed by state law. The function and powers~~
411 ~~and duties of the administrative law judge are set forth in title 16 (administrative code~~
412 ~~enforcement hearing program) of this code. (Ord. 20-38, 9-30-2020)~~

413 2-4-4: BOARD OF BUILDING APPEALS:

414 The city has established a Board of Building Appeals as allowed by state law and the
415 provisions of the International Building Code. The function, powers, and duties of the board
416 of building appeals are set forth in title 10, chapter 3 of this code.~~The Board of Building~~
417 ~~Appeals is statutorily allowed by state law and the provisions of the International Building~~
418 ~~Code adopted by the state legislature. The function and powers and duties of the board of~~
419 ~~building appeals are set forth in title 10, chapter 3 of this code. (Ord. 20-38, 9-30-2020)~~

420 CHAPTER 5

421 REPEALED

422

423 CHAPTER 6

424 CITY SUPPORT OF UNRELATED CHARITABLE OR EDUCATIONAL ENTITIES

425 SECTION:

426 2-6-1: Relationship To City

427 2-6-2: Applications

428 2-6-3: Requirements

429 2-6-1: RELATIONSHIP TO CITY:

430 The city may provide both monetary and non-monetary assistance to individuals and
431 entities for the safety, health, prosperity, moral well-being, peace, order, comfort, and
432 convenience of city residents. The city will not become employees, representatives, or
433 agents of any city-supported individual or entity solely by virtue of the city providing
434 assistance. (Ord. 10-08, 2-24-2010; amd. Ord. 20-38, 9-30-2020; Ord. 23-02, 2-22-2023)

435 2-6-2: PROPOSALSAPPLICATIONS:

436 Individuals and entities may request both monetary and non-monetary city assistance by
437 completing an application obtained from the council office. Interested parties can direct
438 any questions about the application process or requirements for receiving assistance to the
439 council office director~~Individuals and entities may request monetary and non-monetary~~
440 ~~city assistance by completing an application obtained from the council office director~~
441 ~~located at the City Hall. Any questions regarding the application process or requirements to~~
442 ~~receive assistance should be directed toward the council office director.~~ (Ord. 10-08, 2-24-
443 2010; amd. Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-
444 30-2020; Ord. 23-02, 2-22-2023)

445 2-6-3: REQUIREMENTS:

446 All individuals and entities receiving city support shall agree to the following requirements:

447 A. The requesting individual or entity shall permit the citycity, or an auditor hired by the
448 city, to inspect the individual or entity's system of accounts and other accounting systems
449 and protocols to ensure accuracy and proper safeguarding of public funds.

450 B. The requesting individual or entity shall provide yearly financial reports in a form ~~and~~
451 ~~frequency~~ acceptable by the city council.

452 C. The requesting individual or entity shall explain how the requested assistance will
453 further advance city goals or plans and track the actual advancement of city goals or plans
454 using the requested city assistance. They must also ensure that they use any city assistance
455 only for the purposes stated in the application and the authorizing resolution.~~The~~
456 ~~requesting individual or entity shall explain how the requested assistance will further~~
457 ~~advance city goals or plans, and shall track the actual advancement of city goals or plans~~
458 ~~through the use of the requested city assistance. Any city assistance shall be used only for~~
459 ~~the purposes stated in the application and the authorizing resolution.~~

460 D. The requesting individual or entity shall affirm that they have the training and
461 experience needed to manage the proposed activities effectively and efficiently~~The~~
462 ~~requesting individual or entity shall have the training and experience needed to effectively~~
463 ~~and efficiently manage the proposed activities.~~ (Ord. 10-08, 2-24-2010; amd. Ord. 19-53,
464 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020; Ord. 23-02, 2-
465 22-2023)



REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 03/27/2024

Presenter: Alan Anderson

Deadline of item :

Applicant: City Council

Department Sponsor: Council Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 10 minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of amendments to Title 1 Chapter 8 – Administrative

2. EXECUTIVE SUMMARY

Title 1, Chapter 8 amendments were proposed during the January 10, 2024 City Council meeting. City Council continued discussions at the Committee of the Whole meeting on February 21, 2024 where they gave support for the following amendments:

- (1) simplify the entire section,
- (2) Eliminate lists of duties,
- (3) Focus on the overall dept,
- (4) Condensing language to approximately two lines per department similar to Salt Lake City Code, and
- (5) Remove references to gender specific terms such as him or her.

Council asked that the amendments be brought back the Committee of the Whole for further approval by the Council.

Council staff and City Attorney's office believe Council direction has been met with this draft.

Please refer to the Council Staff Report for proposed amendments.

3. TIME SENSITIVITY / URGENCY

There is no time sensitivity.

4. FISCAL NOTE

There is no fiscal impact to adopt the proposed amendments. The budget requirements will be set through the annual budget adoption process.

Committee of the Whole Meeting

Council Staff Review



Item Name: Title 1 Chapter 8 Discussion
Department: Office of the City Council
Action Needed: Discussion item; input requested from council

EXECUTIVE SUMMARY

Continued discussion regarding amendments to Title 1 Chapter 8, relating to municipal administrative code, including department roles and responsibilities.

BACKGROUND AND TIMELINE

Chapter 8 was initially proposed to the council via a City Council meeting on January 10, 2024, but was referred back to a Committee of the Whole meeting.

Revised amendments to be discussed are a result of conversations and discussions from the City Council meeting on January 10, and the Committee of the Whole meeting on February 21.

COUNCIL OFFICE ANALYSIS

The revised text amendment is included in this packet, with summarized changes (not including minor grammatical changes) included below:

- Pages 1-4 – Deleted
- Page 5 – Administrative Organization introduction written, most lines and items on pages 5 and 6 deleted.
- Page 7 – Legal Department purpose and responsibilities summarized, most following lines and items on pages 7-9 deleted.
- Page 10 – Fire Department purpose and responsibilities summarized, most following lines and items on page 11 deleted.
- Page 11 – Police Department purpose and responsibilities summarized, most following lines and items on page 12 deleted.
- Page 12 – Public Works Department purpose and responsibilities summarized, most following lines and items on page 13 deleted.
- Page 13 – Administrative Services Department purpose and responsibilities summarized, most following lines and items on pages 14, 15 and 16 deleted.
- Page 16 – Public Utilities Department purpose and responsibilities summarized.
- Page 17 – Public Services Department purpose and responsibilities summarized.
- Page 17 – Special Functions, Positions, and Departments section with various grammatical adjustments and omissions.
- Page 18 – Creation of Special Departments purpose and responsibilities revised, following many lines and items on pages 19 and 20 deleted.

1 ~~1-8-1: STRUCTURE OF THE EXECUTIVE BRANCH, INCLUDING DEPARTMENTS:~~

2 ~~—A. General Structure: The executive branch of city government consists of the~~
3 ~~office of the mayor and the various departments, committees, boards, commissions,~~
4 ~~offices, and officers appointed by the mayor.~~

5 ~~—B. Departments And Department Directors: Subject to budget constraints, the~~
6 ~~executive branch of city government consists of such departments that are: (i)~~
7 ~~recommended by the mayor and created by the council: (ii) identified in this code or~~
8 ~~state statute; or (iii) identified in the organizational chart of the annual budget as~~
9 ~~amended.~~

10 ~~—1. Each department shall be administered by a department director appointed by~~
11 ~~the mayor, with the advice and consent of the city council.~~

12 ~~—2. Each department director shall be head of that department and shall manage~~
13 ~~and hire such subordinate division heads, officers, and employees as city~~
14 ~~administration may approve.~~

15 ~~—3. Each department, independent division, or other division shall have the duties,~~
16 ~~functions, and responsibilities assigned by the mayor and city administration.~~

17 ~~—C. Mayor's Authority To Reorganize: The mayor may, subject to budget constraints,~~
18 ~~state statute, and this code, recommend the council create, consolidate, rearrange, or~~
19 ~~abolish departments. The mayor may also take action consistent with sections 1-8-~~
20 ~~8H2 and 3. The mayor shall seek the advice of the city administrator before initiating~~
21 ~~any such process. The mayor shall make recommendations and take action based~~
22 ~~upon what s/he considers to be necessary for the good government of the city.~~

23 ~~—D. Annual Organization Chart: An organization chart depicting all departments~~
24 ~~and divisions shall be submitted with the annual budget. (2001 Code § 2-4-301; amd.~~
25 ~~2009 Code; Ord. 09-13, 4-14-2009; Ord. 15-23, 8-25-2015; § 1-7C-1, Ord. 19-37, 11-~~
26 ~~13-2019, Effective at 12 noon on January 6, 2020; Ord. 20-34, 9-9-2020)~~

27 ~~1-8-2: DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS:~~

28 ~~—A. General Duties: Each department head shall perform all duties required of the~~
29 ~~office by State law, this Code, other ordinances of the City, and such other duties not~~
30 ~~in conflict with law as may be required by the mayor, through the city administrator.~~

31 ~~—B. Specific Duties: The department heads, subject to the direction and control of~~
32 ~~the city administrator, under the direction of, and with the consent of, the mayor,~~
33 ~~shall:~~

34 ~~—1. Be immediately responsible to the city administrator for the effective~~
35 ~~administration of their respective departments and all activities assigned to their~~
36 ~~departments.~~

- 37 —2. ~~With the approval of the city administrator, develop and maintain up-to-date~~
38 ~~policies, procedures, and instructions for carrying out departmental operations in~~
39 ~~conformity with law and other city policies and in the most efficient and effective~~
40 ~~manner possible.~~
- 41 —3. ~~Have power, when authorized by the city administrator, to appoint and~~
42 ~~remove, subject to personnel rules and regulations, all subordinates under him/her.~~
- 43 —4. ~~Exercise authority over all subordinates.~~
- 44 —5. ~~Be responsible for the proper maintenance, care and inventory of all city~~
45 ~~property and equipment used in his department.~~
- 46 —6. ~~Designate, with the approval of the city administrator, an acting department~~
47 ~~head to perform such duties as are assigned during his/her absence or inability to~~
48 ~~act.~~
- 49 —7. ~~Provide for the education and training of subordinates.~~
- 50 —8. ~~Timely prepare and submit to the mayor and city administrator a tentative~~
51 ~~departmental budget, such that the mayor may fulfill the duties identified in section~~
52 ~~1-7-4F.~~
- 53 —9. ~~Be responsible to keep expenditures of the department within the budget~~
54 ~~approved by the city council.~~
- 55 —10. ~~Deliver all records, documents and property of every description, belonging~~
56 ~~to the position or to the city, to his/her successor in office or to the city~~
57 ~~administrator.~~
- 58 —C. ~~Inherent Authority: Each department head shall have such authority as is~~
59 ~~necessary to enable him/her to carry out the duties and responsibilities assigned to~~
60 ~~him by this section or by direction of the city administrator. The designation of a~~
61 ~~duty or responsibility shall constitute such authority as is necessary to effect the~~
62 ~~duty or responsibility so imposed, subject to budget constraints, procurement~~
63 ~~policies, contract review and approvals, and other requirements of city code and~~
64 ~~state statute.~~
- 65 —D. ~~Service Delivery Obligation: Each department shall furnish, upon the direction~~
66 ~~of the city administrator, any other department such service, labor and materials as~~
67 ~~may be requisitioned by the head of such department and as its own facilities permit,~~
68 ~~through the same procedure and subject to the same audit and control as other~~
69 ~~expenditures are incurred.~~
- 70 —E. ~~Office Hours; Fund Deposit/Expenditures: All departments within the city shall:~~

71 —1. ~~Be open during regular business hours as defined by the mayor, and with any~~
72 ~~special work schedules to have the consent of the city administrator.~~

73 —2. ~~Make a daily deposit with the city treasurer of any public monies.~~

74 —3. ~~Pay out monies belonging to the city only in the manner prescribed by law,~~
75 ~~ordinance and City policy. (2001 Code § 2-4-302; amd. 2009 Code; §1-7C-2, Ord. 19-~~
76 ~~37, 11-13-2019, Effective at 12 noon on January 6, 2020)~~

77 ~~1-8-3: OATH OF OFFICE:~~

78 —A. ~~Obligation to Take Oath: Prior to assuming their official duties, the mayor, along~~
79 ~~with the city administrator, assistant city administrator(s), statutory officers, and~~
80 ~~department heads as set forth in this article, shall each take and subscribe the oath~~
81 ~~of office designated in this section. No official act of any municipal officer shall be~~
82 ~~invalid for failure to take the oath of office.~~

83 —B. ~~Oath: The oath of office shall be:~~

84 —I, _____, ~~do solemnly swear (or affirm) that I will support, obey and defend the~~
85 ~~constitution of the United States and the constitution of the State of Utah and the~~
86 ~~laws and ordinances of the City of West Jordan, and that I will discharge the duties of~~
87 ~~my office with fidelity.~~

88 —C. ~~Filing: The subscribed oath of all officers shall be filed with the city recorder.~~
89 ~~(2001 Code § 2-4-303; amd. 2009 Code; § 1-7C-3, Ord. 19-37, 11-13-2019, Effective at~~
90 ~~12 noon on January 6, 2020)~~

91 ~~1-8-4: FIDELITY BONDS OR INSURANCE:~~

92 ~~(Rep. by Ord. 20-44, 12-2-2020)~~

93 ~~1-8-5: DURATION AND TERM OF OFFICE OF APPOINTED EMPLOYEES:~~

94 —A. ~~Appointed Officers: Subject to any employment contracts, the city~~
95 ~~administrator, assistant city administrator(s), department heads, statutory officers,~~
96 ~~and all other employees identified in Utah Code section 10-3-1105 as exempt from~~
97 ~~the merit protection identified in Utah Code section 10-3-1106 or their successor~~
98 ~~provisions, shall be at-will employees and may be discharged with or without cause~~
99 ~~by the mayor. The mayor may designate other positions as at-will, under Utah Code~~
100 ~~section 10-3-1105, without the advice and consent of the city council. All appointed~~
101 ~~officers and employees of the city, other than the at-will employees identified above~~
102 ~~and part-time, seasonal, temporary, and probationary employees, shall hold their~~
103 ~~employment without limitation of time, being subject to discharge or dismissal only~~
104 ~~as provided by state law, ordinance, or policy. Unless specifically identified~~
105 ~~otherwise, division heads and deputy division heads are not at-will employees.~~

106 ~~—B.— Judges: The tenure and separation from employment of justice court judges is~~
107 ~~outlined in state law.~~

108 ~~—C.— Job Description Required: The job description of each officer and employee shall~~
109 ~~identify if the employment is an at-will or merit position covered by appeal rights~~
110 ~~however, failure to do so shall not bar the City asserting that the position is at-will.~~
111 ~~(2001 Code § 2-4-305; amd. 2009 Code; Ord. 10-10, 3-10-2010; § 1-7C-5, Ord. 19-37,~~
112 ~~11-13-2019, Effective at 12 noon on January 6, 2020; Ord. 20-23, 7-29-2020)~~

113 ~~1-8-6: DISCHARGE OR TRANSFER:~~

114 ~~An employee to which Utah Code Annotated section 10-3-1105 applies may not be~~
115 ~~discharged, suspended without pay, or involuntarily transferred to a position with~~
116 ~~less remuneration: (a) because of the employee's politics or religious beliefs; or (b)~~
117 ~~incident to, or through changes, either in the mayor, the city council, or department~~
118 ~~heads. (2001 Code § 2-4-306; amd. 2009 Code; Ord. 10-10, 3-10-2010; § 1-7C-6, Ord.~~
119 ~~19-37, 11-13-2019, Effective at 12 noon on January 6, 2020; Ord. 20-23, 7-29-2020)~~

120 ~~1-8-7: APPOINTED AT-WILL EMPLOYEES SEPARATION AND SEVERANCE:~~

121 ~~—A.— Separation Payment: If an appointed at-will employee signs a severance~~
122 ~~acknowledgment drafted and approved by the mayor upon initial appointment or~~
123 ~~within forty five (45) days of the effective date of this section and is involuntarily~~
124 ~~separated for any reason other than malfeasance or conviction of a crime of moral~~
125 ~~turpitude, the employee is entitled to a separation payment of:~~

126 ~~—1.— Any payments available to all employees as provided for in the West Jordan~~
127 ~~employee handbook; and~~

128 ~~—2.— Four (4) weeks of salary and benefits at the same rate and contribution level~~
129 ~~that existed before the appointed at-will employee's involuntary separation, unless a~~
130 ~~greater length of time for salary and benefits is set forth in an express written~~
131 ~~contract.~~

132 ~~—B.— Payment Method: The separation payment described in subsection A of this~~
133 ~~section may be paid in a lump sum or over a three-month period at the sole~~
134 ~~discretion of the mayor.~~

135 ~~—C.— Existing Contracts: Nothing in this section shall supersede the terms of written~~
136 ~~employment contracts with appointed at-will employees that existed before the~~
137 ~~effective date of this section.~~

138 ~~—D.— Employment Contract with Severance Clause: With regards to appointed at-will~~
139 ~~employees, and subject to budget constraints, the mayor may approve an~~
140 ~~employment contract with a severance clause that does not exceed three (3) months~~
141 ~~of salary and benefits. The severance clause may exceed three (3) months of salary~~

142 ~~and benefits with council approval. (Ord. 18-13, 5-9-2018; § 1-7C-7, Ord. 19-37, 11-~~
143 ~~13-2019, Effective at 12 noon on January 6, 2020)~~

144 **1-8-81: EXECUTIVE BRANCH ORGANIZATION DEPARTMENTS ESTABLISHED:**

145 The city's administrative organization shall consist of operating departments, offices and
146 divisions or bureaus. Each department shall be identified and have the duties, functions
147 and responsibilities as hereafter generally designated and as assigned by the mayor. Each
148 shall be organized into such sections as may be determined by the mayor to be appropriate
149 to carry out its functions.The executive branch of the city is organized as follows:

150 ~~—A. Office Of The Mayor:~~

151 ~~— 1. Appointment And Organization Of Office Staff: The mayor may appoint, without the~~
152 ~~advice and consent of the city council, assistants and officers who shall perform such~~
153 ~~functions and duties as may be assigned to them by the mayor. In order to provide proper~~
154 ~~staff and administrative services to the city and its departments, the mayor is authorized to~~
155 ~~establish within the office of the mayor such divisions or sections as may seem necessary~~
156 ~~or proper for the aforesaid purposes without the city council's advice and consent.~~

157 ~~— 2. City Administrator:~~

158 ~~— a. The mayor shall appoint a chief administrative officer, to be officially called city~~
159 ~~administrator, with the advice and consent of the city council, to exercise such duties as the~~
160 ~~mayor shall prescribe which are consistent with city ordinances and state law.~~

161 ~~— b. The position of city administrator was mandated by voter approval of Resolution~~
162 ~~17-163 on November 7, 2017.~~

163 ~~— c. The city administrator shall be appointed on the basis of demonstrated ability.~~
164 ~~Experience in the field of local government administration is preferred.~~

165 ~~— d. The city administrator may be removed at the sole discretion of the mayor, without~~
166 ~~the advice and consent of the city council.~~

167 ~~— e. Except as the mayor may otherwise direct, and except as otherwise provided in this~~
168 ~~section, the city administrator may exercise the powers identified in section 1-8-8A3,~~
169 ~~including the approving and signing of contracts.~~

170 ~~— 3. Powers And Duties Of City Administrator: The city administrator's powers and~~
171 ~~duties shall include, but are not limited to:~~

172 ~~— a. Administering, supervising, and exercising control over all executive branch~~
173 ~~departments and divisions of the city, including supervising all department directors;~~

174 ~~— b. Recommending to the mayor the hiring, disciplining or termination of department~~
175 ~~directors, statutory officers and other at-will employees appointed by the mayor;~~

176 ~~— c. Hiring, disciplining, and terminating all other executive branch employees;~~
177 ~~— d. Conducting performance evaluations and pay adjustments as prescribed by the~~
178 ~~code;~~
179 ~~— e. Supervising the administration and enforcement of all laws, including this code, as~~
180 ~~they affect the executive branch departments and divisions;~~
181 ~~— f. Executing the policies affecting the departments that are adopted by the city~~
182 ~~council;~~
183 ~~— g. Issuing rules, regulations, and procedures applicable to all city operations and~~
184 ~~employees which are not in conflict with the laws of the state or this code;~~
185 ~~— h. Subject to state statute and council rules, attending all open city council meetings~~
186 ~~(and closed meetings, if invited by the council) with the right to take part in all discussions~~
187 ~~as requested by the council;~~
188 ~~— i. Establishing procedures, consistent with law and approved by the mayor, for the~~
189 ~~purchase of materials or services and otherwise authorizing expenditures of funds in~~
190 ~~executive branch departments on behalf of the city;~~
191 ~~— j. Approving and executing contracts;~~
192 ~~— k. Cooperating with, and instructing city employees to cooperate with, city council~~
193 ~~investigative committees; and~~
194 ~~— l. Performing such other duties as directed by the mayor or permitted by law.~~
195 ~~— 4. Assistant City Administrator: Subject to budget constraints, the mayor may appoint~~
196 ~~one or more assistant city administrators, after a recommendation from the city~~
197 ~~administrator, to exercise such duties as the city administrator shall prescribe which are~~
198 ~~consistent with state law.~~
199 ~~— a. An assistant city administrator shall be appointed on the basis of demonstrated~~
200 ~~ability and prior experience in the field of local government administration, together with~~
201 ~~such other qualifications as may be prescribed by the city administrator;~~
202 ~~— b. An assistant city administrator may be removed at the sole discretion of the city~~
203 ~~administrator; and~~
204 ~~— c. An assistant city administrator shall have only the powers delegated by the city~~
205 ~~administrator, which may include, but are not limited to:~~
206 ~~— (1) Executing the powers listed above for the city administrator if specifically~~
207 ~~delegated by the city administrator;~~

208 ~~—— (2) Fulfilling assignments to serve as a department head and/or to supervise one or~~
209 ~~more departments or independent divisions without advice and consent of the city council;~~
210 ~~and~~

211 ~~—— (3) Substituting as acting city administrator in the absence of the city administrator.~~

212 **BA. Legal Department:** The legal department oversees all legal matters pertaining to
213 the city. The city attorney serves as the chief legal advisor to the mayor and the city
214 council. The executive and legislative branches of government shall enjoy equal and
215 independent access to the services of the office of the city attorney with reference to their
216 respective functions and duties. The legal department also oversees civil litigation in which
217 the city is a party and prosecutes violations of city ordinances and state law.~~The function of~~
218 ~~the legal department shall be to carry out the duties, as applicable, of the city attorney.~~

219 ~~—— 1. Appointment Of City Attorney: The city attorney is the director of the legal~~
220 ~~department and chief legal advisor to the mayor and the city council. The city attorney~~
221 ~~must be a member in good standing of the Utah state bar and licensed to practice law~~
222 ~~before all federal and state courts in Utah.~~

223 ~~—— 2. Retention Of Outside Counsel: Nothing in this article precludes city administration or~~
224 ~~the city council from retaining outside legal counsel, paid from budgeted appropriations, as~~
225 ~~they may deem needed or appropriate. Outside legal counsel shall not interfere with the~~
226 ~~ethical obligations of the attorneys that work in the legal department or their duties.~~

227 ~~—— 3. Functions And Duties Of City Attorney: Subject to the general supervision and~~
228 ~~direction of city administration, the city attorney's duties shall include, but are not limited~~
229 ~~to:~~

230 ~~—— a. Advising city administration, the city council, and other city officers and employees,~~
231 ~~including members of committees, boards, and commissions, on matters of law affecting~~
232 ~~the city or their actions.~~

233 ~~—— b. Prosecuting violations of city ordinances and state law.~~

234 ~~—— c. Preparing and reviewing contracts, ordinances and other legal documents~~
235 ~~concerning the city.~~

236 ~~—— d. Managing litigation in which the city is a party.~~

237 ~~—— e. Cooperating with outside counsel hired by the city council or the city~~
238 ~~administration.~~

239 ~~—— f. Handling and participating in, including the filing of friend of the court pleadings,~~
240 ~~litigation which directly affects the city or an identifiable class of city residents, if~~
241 ~~authorized to do so by city administration. However, in the sole discretion of the city~~
242 ~~attorney, or his/her designee, such litigation shall not create a conflict of interest for the~~
243 ~~city or for the city attorney in the performance of his professional responsibilities.~~

244 — g. Administering the legal department and supervising employees assigned to the
245 legal department.

246 — h. Performing such other duties imposed by city ordinance or assigned by city
247 administration.

248 — i. With the concurrence of city administration, establishing within the legal
249 department such divisions or sections as may seem necessary or proper for the efficient
250 and effective operation of the department and its functions.

251 — 4. Other Duties Assigned By City Administration: The enumeration of the foregoing
252 duties and responsibilities shall not be deemed to prevent or limit city administration from
253 prescribing additional duties, functions, or responsibilities to the city attorney.

254 — 5. Attorney Ethics And Professionalism Govern: Although the activities of the city
255 attorney are subject to the general supervision and direction of city administration, nothing
256 expressed in this section shall be deemed to be a limitation upon the professional opinion
257 or judgment of the city attorney on matters of law affecting the city.

258 — 6. Granting Immunity: The city attorney may grant immunity from prosecution for
259 violation of city ordinances as permitted by Utah law.

260 **CB. Community Development:** The community development department shall be
261 responsible for:

- 262 1. Land use planning;
- 263 2. Building and housing permits; and
- 264 3. Assist in capital asset management.

265 The function of the community development department shall be to carry out the duties, as
266 applicable, of the community development director.

267 — 1. Appointment Of Community Development Director: The mayor shall appoint a
268 qualified person to be the director of the community development department with the
269 advice and consent of the city council.

270 — 2. Functions And Duties Of Director: Subject to the supervision and direction of city
271 administration, the community development director's duties shall include, but are not
272 limited to:

273 — a. Performing the duties prescribed by state law, this code, and other city ordinances;

274 — b. Establishing long range and short range land use plans, goals, policies and
275 frameworks for land use;

276 — c. Developing and updating the master street plan of the city;

277 —d. Coordinating the review of street standards with the director of public works and
278 city engineer;

279 —e. Assisting the director of public works in the preparation of the capital
280 improvements program and plans;

281 —f. Providing city administration, the land use appeal authority, and the planning
282 commission with technical assistance and advice;

283 —g. Reviewing all zoning petitions and conditional use permit applications;

284 —h. Preparing and coordinating the agendas for meetings of the planning commission
285 and the land use appeal authority;

286 —i. Reviewing all plats of subdivisions and site plans of residential, commercial and
287 industrial developments to ensure compliance with city ordinances;

288 —j. Inspecting the work covered under the provisions of the building, electrical,
289 plumbing and other applicable construction codes, including those contained in title 10 of
290 this code;

291 —k. Issuing building and development permits under the provisions of the construction
292 codes;

293 —l. Assisting and advising the public with respect to the requirements of such
294 construction codes;

295 —m. Investigating complaints concerning the presence of hazardous or illegal
296 conditions or uses in premises;

297 —n. Administering and enforcing the planning and zoning ordinances and licenses and
298 ensure compliance with their provisions;

299 —o. Reviewing sites and inspecting premises for compliance with international codes,
300 state law and city ordinances;

301 —p. Administering the community development department;

302 —q. Coordinating with other departments as needed;

303 —r. Coordinating with city committees, boards, and commissions, as assigned by city
304 administration;

305 —s. Performing such other duties as are imposed by law, this code and other city
306 ordinances, or by direction of city administration;

307 —t. Supervising and coordinating the functions of the city engineer; and

308 — u. ~~With the concurrence of city administration, establishing within the community~~
309 ~~development department such divisions or sections as may seem necessary or proper for~~
310 ~~the efficient and effective operation of the department and its functions.~~

311 — 3. ~~Other Duties Assigned By City Administration: The enumeration of the foregoing~~
312 ~~duties and responsibilities shall not be deemed to prevent or limit city administration from~~
313 ~~prescribing additional duties, functions, or responsibilities to the community development~~
314 ~~department or from assigning the designated duties and responsibilities to another~~
315 ~~department or division, as city administration shall deem appropriate.~~

316 — 4. ~~Appointment Of City Engineer: The mayor shall appoint a qualified person to serve~~
317 ~~as the city engineer with the advice and consent of the city council. To be qualified, the city~~
318 ~~engineer must be a professional engineer registered with the state under Utah Code~~
319 ~~Annotated title 58, chapter 22, or any successor statute.~~

320 — 5. ~~Functions And Duties Of City Engineer: The duties and responsibilities of the city~~
321 ~~engineer or designee include, but are not limited to, the following:~~

322 — a. ~~In cooperation with other divisions and departments, oversee the process of~~
323 ~~private development in the city, including land disturbance, engineer review, storm~~
324 ~~drainage, road construction, parks and trails, culinary water and wastewaters;~~

325 — b. ~~Review and process subdivision development plans and inspect all public~~
326 ~~improvements;~~

327 — c. ~~Monitor, evaluate, and administer city imposed impact fees;~~

328 — d. ~~Provide technical support and assist in the development of various utility and~~
329 ~~impact fee rates, including those for culinary water, wastewater and stormwater;~~

330 — e. ~~Develop standard city construction specifications;~~

331 — f. ~~Monitor and develop specifications and evaluate the city transportation grid and~~
332 ~~traffic issues and conduct traffic studies;~~

333 — g. ~~In cooperation with the other divisions in the community development~~
334 ~~department, review and inspect private development and construction;~~

335 — h. ~~Develop and maintain a geographical information system for the city;~~

336 — i. ~~Perform other functions and duties assigned by the community development~~
337 ~~director; and~~

338 — j. ~~File all drawings and documents submitted to him pertaining to public lands and~~
339 ~~improvements. Such documents shall be open for public inspection. The city engineer shall~~
340 ~~keep the records and files in good condition and turn the same over to his successor in~~
341 ~~office. The city engineer shall allow no alteration, mutilation or changes in any matter or~~

342 ~~record and shall be held strictly accountable for the same. However, the city engineer may~~
343 ~~designate the city recorder to be the repository of said records and documents.~~

344 **DC. Fire Department:** ~~The fire department shall seek to prevent and suppress fires and~~
345 ~~other life threatening or property endangering situations, through measures including, but~~
346 ~~not limited to:~~

347 ~~1. The development and administration of public education and fire prevention~~
348 ~~programs;~~

349 ~~2. Enforcing laws pertaining to fire prevention, including fire and safety inspections of~~
350 ~~buildings and proposed building plans;~~

351 ~~3. Fire rescue and emergency medical and other emergency services;~~

352 ~~4. Post investigation of fires for possible arson; and~~

353 ~~5. Provide technical support and assist in the development of various applicable rates~~
354 ~~and impact fees.~~

355 ~~The function of the fire department shall be to carry out the duties, as applicable, of the~~
356 ~~fire chief.~~

357 ~~—1. Appointment Of Fire Chief: The mayor shall appoint a qualified person to be chief of~~
358 ~~the city fire department with the advice and consent of the city council.~~

359 ~~—2. Functions And Duties Of Fire Chief: Subject to the supervision and direction of city~~
360 ~~administration, the fire chief's duties shall include, but are not limited to:~~

361 ~~—a. Carrying out the duties of a fire department as prescribed by law;~~

362 ~~—b. Supervising and controlling the function of the fire department;~~

363 ~~—c. Aggressively seeking to prevent and suppress fires and other life threatening or~~
364 ~~property endangering situations; enforcing laws pertaining to fire prevention; identifying~~
365 ~~fire hazards; and maintaining appropriate records concerning fires and other hazards;~~

366 ~~—d. Responding to calls for emergency medical assistance;~~

367 ~~—e. With the concurrence of city administration, establishing within the fire~~
368 ~~department such divisions or sections as may seem necessary or proper for the efficient~~
369 ~~and effective operation of the department and its functions; and~~

370 ~~—f. Performing such other duties as are assigned by city administration.~~

371 ~~—3. Other Duties Assigned By City Administration: The enumeration of the foregoing~~
372 ~~duties and responsibilities shall not be deemed to prevent or limit city administration from~~
373 ~~prescribing additional duties, functions, or responsibilities to the fire chief or assigning the~~

374 ~~designated duties and responsibilities to another department or division, as city~~
375 ~~administration shall deem appropriate.~~

376 ~~—4. Powers And Duties Of Fire Officers: The members of the fire department shall have~~
377 ~~the power and authority as set forth in Utah Code Annotated.~~

378 **ED. Police Department:** The police department shall be responsible for preserving the
379 public peace; suppressing criminal activity; detecting and arresting criminal offenders;
380 protecting the rights of persons and property; regulating and controlling motorized and
381 pedestrian traffic; providing and maintaining police records. The police department shall
382 also provide technical support and assist in the development of various applicable rates
383 and impact fees~~The function of the police department shall be to carry out the duties, as~~
384 ~~applicable, of the police chief.~~

385 ~~—1. Appointment Of Police Chief: The mayor shall appoint a qualified person to be chief~~
386 ~~of the city police department with the advice and consent of the city council.~~

387 ~~—2. Functions And Duties Of Police Chief: Subject to the supervision and direction of city~~
388 ~~administration the police chief's duties shall include, but are not limited to:~~

389 ~~— a. Carrying out the duties of a police department as prescribed by law;~~

390 ~~— b. Supervising and controlling the function of the police department;~~

391 ~~— c. Enforcing the laws of the United States, State of Utah and city ordinances,~~
392 ~~investigating violations thereof and apprehending and assisting in the prosecution of the~~
393 ~~violators thereof;~~

394 ~~— d. Responding to calls for emergency assistance;~~

395 ~~— e. Investigating traffic accidents;~~

396 ~~— f. Recovering lost, stolen property and maintaining the same until said property is~~
397 ~~disposed of, as provided by law;~~

398 ~~— g. With the concurrence of city administration, establishing within the police~~
399 ~~department such divisions or sections as may seem necessary or proper for the efficient~~
400 ~~and effective operation of the department and its functions; and~~

401 ~~— h. Performing such other duties as are assigned by city administration.~~

402 ~~—3. Other Duties Assigned By City Administration: The enumeration of the foregoing~~
403 ~~duties and responsibilities shall not be deemed to prevent or limit city administration from~~
404 ~~prescribing additional duties, functions, or responsibilities to the police chief or assigning~~
405 ~~the designated duties and responsibilities to another department or division, as city~~
406 ~~administration shall deem appropriate.~~

407 —4. Powers And Duties Of Police Officers: The members of the police force shall have all
408 power and authority authorized in state and federal law.

409 **FE. Public Works Department:** The public works department shall be responsible for
410 ensuring that the city maintains the necessary infrastructure for residents and businesses.
411 These include:

- 412 1. Being responsible for street construction, maintenance, and snow removal;
- 413 2. Maintaining street signs;
- 414 3. Transportation engineering;
- 415 4. Provide technical support and assist in the development of various applicable rates
416 and impact fees;
- 417 5. Ensuring that residential refuse is collected and disposed of on a routine basis;
- 418 6. Administering contracts for public works projects; and
- 419 7. Designing and developing applicable city projects and infrastructure master plans.

420 ~~The function of the public works department shall be to carry out the duties, as~~
421 ~~applicable, of the public works director.~~

422 ~~— 1. Appointment Of Public Works Director: The mayor shall appoint a qualified~~
423 ~~person to be the director of public works with the advice and consent of the city~~
424 ~~council.~~

425 ~~— 2. Functions And Duties Of The Public Works Director: Subject to the supervision~~
426 ~~and direction of city administration the public works director's duties shall include,~~
427 ~~but are not limited to:~~

428 ~~— a. Supplying and distributing culinary water to the public and maintaining~~
429 ~~culinary water, sanitary sewer, and storm sewer lines, including coordinating and~~
430 ~~developing storm water reports and compliance measures for the city pollution~~
431 ~~discharge elimination system (UPDES) permit, dealing with the city overall~~
432 ~~administration of compliance efforts;~~

433 ~~— b. Being responsible for street construction, maintenance and snow removal;~~

434 ~~— c. Maintaining street signs;~~

435 ~~— d. Ensuring that residential refuse is collected and disposed of on a routine~~
436 ~~basis;~~

437 ~~— e. Administering contracts for public works projects;~~

438 ~~— f. Designing city projects and developing city infrastructure master plans;~~

439 ~~— g. Managing and administering the capital projects engineering function;~~

440 ~~— h. With the concurrence of city administration, establishing within the public~~
441 ~~works department such divisions or sections as may seem necessary or proper for~~
442 ~~the efficient and effective operation of the department and its functions; and~~

443 ~~— i. Perform such other duties as are assigned by city administration.~~

444 ~~— 3. Other Duties Assigned By City Administration: The enumeration of the~~
445 ~~foregoing duties and responsibilities shall not be deemed to prevent or limit city~~
446 ~~administration from prescribing additional duties, functions, or responsibilities to~~
447 ~~the public works director or assigning the designated duties and responsibilities to~~
448 ~~another department or division, as city administration shall deem appropriate.~~

449 **GE. Administrative Services Department:**

450 1. Functions: The function of the administrative services department shall be serve as
451 the finance department for the city. The designated duties include:

452 a. Perform all accounting functions for the city;

453 b. Prepare the city's annual budget and fee schedule, and prepare any necessary
454 budget or fee schedule adjustments;

455 c. Supervise and administer the procurement of goods and services for the city;

456 d. Administer the city's payroll;

457 e. Provide technical support and assist in the development of various
458 applicable rates and impact fees

459 2. City Treasurer: The position of city treasurer shall be housed and supervised by the
460 Administrative Services Department. The city treasurer shall be responsible for the
461 timely collection and disposition of city revenues, the keeping of an accurate and
462 detailed account of all matters within the treasurer's charge as provided in the
463 uniform fiscal procedures act, or any successor statutes, and shall perform all other
464 duties required by law. to carry out the duties, as applicable, of the administrative
465 services director.

466 ~~— 1. Appointment Of Administrative Services Director: The mayor shall appoint a qualified person~~
467 ~~to be the administrative services director with the advice and consent of the city council.~~

468 ~~— 2. Functions And Duties Of The Administrative Services Director: Subject to the supervision and~~
469 ~~direction of city administration the administrative services director's duties shall include, but~~
470 ~~are not limited to:~~

471 ~~— a. Performing the duties set forth in the uniform fiscal procedures act for Utah~~
472 ~~cities, Utah Code Annotated title 10, chapter 6, or any successor provisions, including~~
473 ~~but not limited to those of a finance department;~~

474 ~~— b. Supervising the city treasurer;~~

475 ~~— c. Performing the city's accounting functions;~~

476 ~~— d. Preparing the city's annual budget and any necessary budget adjustments;~~
477 ~~— e. Supervising and administering the procurement of goods and services for the~~
478 ~~city in accordance with applicable state law and city code;~~
479 ~~— f. Administering the city's payroll;~~
480 ~~— g. With the concurrence of city administration, establishing within the~~
481 ~~administrative services department such divisions or sections as may seem~~
482 ~~necessary or proper for the efficient and effective operation of the department and~~
483 ~~its functions; and~~
484 ~~— h. Performing such other duties as are assigned by city administration.~~
485 ~~— 3. Other Duties Assigned By City Administration: The enumeration of the~~
486 ~~foregoing duties and responsibilities shall not be deemed to prevent or limit city~~
487 ~~administration from prescribing additional duties, functions, or responsibilities to~~
488 ~~the administrative services director or assigning the designated duties and~~
489 ~~responsibilities to another department or division as city administration shall deem~~
490 ~~appropriate.~~
491 ~~— 4. Appointment Of Treasurer: The mayor shall appoint a qualified person to~~
492 ~~serve as the city treasurer with the advice and consent of the city council who shall~~
493 ~~not be the administrative services director or director of finance.~~
494 ~~— 5. Function And Duties Of Treasurer: Subject to the supervision and direction of~~
495 ~~the administrative services director, the city treasurer's duties shall include, but are~~
496 ~~not limited to:~~
497 ~~— a. Being the custodian of all money, bonds or other securities of the city;~~
498 ~~— b. Determining the cash requirements of the city and providing for the~~
499 ~~investment of all idle cash;~~
500 ~~— c. Receiving all money payable to the city, within three (3) business days after~~
501 ~~collection, including all taxes, licenses, fines and intergovernmental revenue, and~~
502 ~~keeping an accurate, detailed account in the manner provided by the Uniform Fiscal~~
503 ~~Procedures Act for Utah Cities, Utah Code Annotated title 10, chapter 6, or successor~~
504 ~~provisions;~~
505 ~~— d. Giving or causing to be given to every person paying money to the city~~
506 ~~treasury a receipt or other evidence of payment, specifying, as appropriate, the date~~
507 ~~of payment and upon which account paid, and file the duplicate of the receipt, a~~
508 ~~separate report or other evidence of payment in the office of the administrative~~
509 ~~services director;~~
510 ~~— e. Promptly depositing all city funds in the appropriate bank account of the city;~~

511 ~~— f. Keeping in proper books a full and accurate account of all the monies, bonds~~
512 ~~or other securities received and disbursed by him on behalf of the city, specifying the~~
513 ~~time of receipt and disbursement, from whom received and to whom disbursed, on~~
514 ~~what account received and disbursed, and how paid;~~

515 ~~— g. Canceling all warrants and other evidences of debt against the city, whenever~~
516 ~~paid by him, by writing or stamping across the face the words, "paid by the city~~
517 ~~treasurer", with the date of payment written or stamped thereon;~~

518 ~~— h. Receiving and having custody of all monies paid to the city and disbursing~~
519 ~~city monies upon the warrant of the administrative services director. The city~~
520 ~~treasurer shall sign all checks prepared by the administrative services director.~~
521 ~~Prior to affixing the signature, the city treasurer shall determine that a sufficient~~
522 ~~amount is on deposit in the appropriate bank account of the city to honor the check;~~

523 ~~— i. Paying city employees, upon presentation of the properly certified payroll;~~

524 ~~— j. Demanding and receiving all monies and fees owing to the city whenever any~~
525 ~~person is indebted to the city in any manner;~~

526 ~~— k. Preparing estimates of revenue and giving such other assistance in the~~
527 ~~preparation of the budget as may be required of him by city administration;~~

528 ~~— l. Collecting all special taxes and assessments, as provided by law and~~
529 ~~ordinance. All money received by the city treasurer on any special assessment shall~~
530 ~~be applied to the payment of the improvement for which the assessment was made.~~
531 ~~The money shall be used for the payment of interest and principal on bonds or other~~
532 ~~indebtedness issues in settlement thereof, and shall be used for no other purpose~~
533 ~~whatsoever, except as otherwise provided in Utah Code Annotated section 10-6-131;~~

534 ~~— m. If the city is without funds on deposit in one of its appropriate bank accounts~~
535 ~~with which to pay any lawfully approved claim, the administrative services director~~
536 ~~shall draw and sign a warrant upon the city treasurer for payment of the claim, the~~
537 ~~warrant to be tendered to the payee named on the warrant. The city treasurer shall~~
538 ~~pay all warrants in the order in which presented and as money becomes available for~~
539 ~~payment in the appropriate funds of the city. The city treasurer shall note upon the~~
540 ~~back of each warrant presented the date of presentation and the date of payment;~~

541 ~~— n. Making a regular settlement with the administrative services director or~~
542 ~~his/her designee of the amounts received and paid out during the day for which~~
543 ~~settlement is being made, and at such settlements deliver to the administrative~~
544 ~~services director, properly canceled, all warrants and other obligations to the city~~
545 ~~paid by him/her since his last settlement and take a receipt in duplicate, one to be~~
546 ~~turned over to the administrative services director and one to be retained by him,~~
547 ~~and once each month he shall balance accounts with the administrative services~~

548 ~~director, which monthly settlement shall show the balance to the credit of the~~
549 ~~several funds for which the city treasurer is responsible;~~

550 ~~—o. Making a detailed report to the administrative services director on the first~~
551 ~~business day after the last calendar day of the preceding month as to the business of~~
552 ~~his office during the preceding month, showing the balance on and to the credit of~~
553 ~~the different funds at the time of his last report, the amount received during the~~
554 ~~month, and on what account, together with such other items and facts the~~
555 ~~administrative services director;~~

556 ~~—p. Receiving cash as required and provide such other general central services~~
557 ~~as required; and~~

558 ~~—q. Keeping appropriate records concerning bonds and other evidences of~~
559 ~~indebtedness incurred by the city.~~

560 ~~—r. Performing all such duties as may be prescribed by statute, ordinance, or city~~
561 ~~administration or the administrative services director that are consistent with law.~~

562 **G. Public Utilities Department:** The functions of the public utilities department shall be

- 563 1. Review and process subdivision and private development plans and inspect all
564 public utility improvements;
- 565 2. Provide technical support and assist in the development of various utility and
566 impact fee rates, including those for culinary water, wastewater and stormwater;
- 567 3. Develop standard city utility construction specifications;
- 568 4. Supplying and distributing culinary water to the public and maintaining culinary
569 water, sanitary sewer, and storm water lines, including coordinating and developing
570 storm water reports and compliance measures for the city pollution discharge
571 elimination system (UPDES) permit, dealing with the city overall administration of
572 compliance efforts;
- 573 5. Administering contracts for public utilities (culinary water, sanitary sewer, and
574 storm water) projects;
- 575 6. Designing and developing applicable city projects and infrastructure master plans;

576 **H. Public Services Department:** The functions of the public services department shall be
577 to:

- 578 1. Manage and maintain city parks, trails, cemeteries, and urban forestry.;
- 579 2. Administer contracts for public services projects;
- 580 3. Design and developing applicable city infrastructure master plans.
- 581 4. Provide technical support and assist in the development of various applicable rates
582 and impact fees.

583 **HI. Special Functions, Positions, And Departments:**

584 1. List ~~Of~~ Special Functions. Positions, And and Positions Departments: The following
585 special functions and positions ~~may (and in some instances, shall) exist in the executive~~
586 ~~branch~~ hereby created:

- 587 a. City ~~R~~ecorder's office;
- 588 b. Processing passports;
- 589 c. Economic development/redevelopment;
- 590 d. Information technology;
- 591 e. GIS (geographical information systems);
- 592 f. Human resources and employee benefits;
- 593 g. Risk management;
- 594 h. Emergency management/preparation;
- 595 i. Public information/communications, including social media;
- 596 ~~jj.~~ Special events;
- 597 ~~kk.~~ Staff support for committees;
- 598 ~~l.~~ Cemeteries;
- 599 ~~m.~~ Parks and trails;
- 600 ~~n.~~ Urban forestry;
- 601 ~~ol.~~ Performing arts;
- 602 ~~pm.~~ Facilities management;
- 603 ~~qn.~~ Fleet management;
- 604 ~~ro.~~ Code enforcement;
- 605 ~~sp.~~ Business licensing and regulation and rental licensing;
- 606 ~~tq.~~ Grants, including community development block grants;
- 607 ~~ur.~~ Animal control;
- 608 ~~vs.~~ Parking enforcement;
- 609 ~~wt.~~ Crossing guards;
- 610 ~~xu.~~ Victim advocates (victim assistance);
- 611 ~~yv.~~ Real property administration;

612 zw. Contract/lease administration;

613 x. City electrician;

614 y. City Engineer;

615 z. Streetlights; and

616 aa. Street walls and Streetscapes.

617 and

618 ~~—aa. Other miscellaneous functions and positions.~~

619 2. Placement Of Special Functions And Positions: ~~During a budget year, c~~City
620 administration may change the organizational placement of any currently funded special
621 function, division, or position within or among departments or independent divisions
622 without the need for council approval, as long as notice is provided to the council proving
623 that the change is fully funded by the current budget. A special function, division, or
624 position which is not currently funded requires council funding approval before the special
625 function or position may be created. City administration may organizationally place any
626 given special function or position:

627 a. In a department identified in the city code;

628 b. In a special department;

629 c. As, or as part of, an independent division;

630 d. In the mayor's office; or

631 e. In some combination thereof.

632 3. Creation Of Special Departments: ~~Within budget constraints and consistent with~~
633 ~~subsections 1-8-1C and 1-8-1D, c~~City administration may recommend special departments
634 by rearranging currently funded divisions ~~from departments identified in the city code,~~
635 ~~independent divisions, and/or any, departments,~~ special functions, or positions. Each
636 special department shall ~~have at least two (2) divisions or functions and shall~~ be identified
637 in the organizational chart of the annual city budget. Council approval is required to create
638 a new special department.

639 ~~—4. Appointment Of City Recorder: The mayor, with the advice and consent of the city~~
640 ~~council, shall appoint a qualified person to the office of city recorder. The city recorder,~~
641 ~~with the approval of city administration, may hire one or more deputy or assistant city~~
642 ~~recorders as is required to assist in the city recorder's public duties.~~

643 ~~—5. Functions And Duties Of City Recorder: The city recorder (or designee) shall:~~

644 — a. Perform such duties as are now or may hereafter be provided by law, this code, or
645 other ordinance.

646 — b. Receive the record of all city council proceedings from council staff, and perform
647 such other duties of a like nature as may be required by city administration.

648 — c. Work with appropriate officials and employees to ensure the recording, filing, and
649 indexing of; and make available for public inspection and safekeeping; all proceedings of
650 the city council and other records of the city.

651 — d. Record in full, uniformly and permanently, all ordinances and authenticate the
652 same. The city recorder shall record all ordinances passed by the city council. Immediately
653 following each ordinance, or codification of ordinances, the city recorder shall make or
654 cause to be made a certificate stating the date of passage and of the date of publication or
655 posting, as required. The record and memorandum, or a certified copy thereof, shall be
656 prima facie evidence of the contents, passage and publication or posting of the ordinance or
657 codification.

658 — e. Post or publish, as required by law, ordinances adopted by the city council, and all
659 legal notices.

660 — f. Oversee all municipal elections in accordance with state law and municipal
661 ordinances and keep and maintain all election records and have custody of all property
662 used in connection therewith, according to law.

663 — g. Attest the mayor's (or the city administrator's) signature on all contracts made on
664 behalf of the city and maintain a properly indexed record of all such contracts.

665 — h. Notify the mayor or other appointing authority of the impending expiration of the
666 term of office of a member of any executive branch committee, board, or commission, said
667 notice to be given at least thirty (30) days before such expiration.

668 — i. Unless otherwise allowed by law, administer the constitutional oath of office to all
669 officers of the city, whether elected or appointed, before such officers enter on the duties of
670 their respective offices. All oaths of office shall be filed with the city recorder, except for the
671 oath of office for the city recorder, which shall also be filed with the city treasurer.

672 — j. Be the custodian of the official seal of the city.

673 — k. Act as the city records officer under state law to oversee and coordinate records
674 access and management and city archives activities as required by local, state and federal
675 law.

676 — l. Perform such other duties assigned by city administration.

677 — m. Certify copies of all documents and records filed in the city recorder's office and
678 transcripts from all records of the city council with the city's corporate seal, which shall
679 make them admissible in all courts as original documents.

680 — n. Certify the ordinance or resolution setting the tax levy to the county auditor on or
681 before the date specified in state code.

682 — o. Accept service of process, writs of garnishment, employee appeals, initiative and
683 referendum petitions, claims as set forth under state law or by this code, and any other
684 document or record prescribed by state law, this code, or other ordinance that is required
685 to be served on the city or city recorder. All documents, claims, or other matters served or
686 filed with or against the city will be deemed filed when received by the city recorder.

687 — p. Prepare, attest, and report on the vital statistics of the city. (Ord. 20-34, 9-9-2020;
688 amd. Ord. 21-04, 2-10-2021)



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 03/27/2024

Presenter: Larry Gardner

Deadline of item : .

Applicant: City Council

Department Sponsor: Community Development

Agenda Type: DISCUSSION TOPICS

Presentation Time: 15

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion regarding Changing or Removing the Senior Housing Overlay District (SHO) Designation or any other Overlay Zoning District Designation amending Sections 13-6H-12(A) and (D) development plan requirements; Section 13-7D-4 (C) 2 and 3; Authorized applicant; council work session and quarterly map meeting; Section 13-7D-6 (A) 6; Criteria to Recommend Approval; 13-7I-5 (B) 4; Variation from approved plans and development standards. City of West Jordan applicant; Larry Gardner.

2. EXECUTIVE SUMMARY

The city council has requested that a process be adopted when an applicant asks to change a zone removing the senior housing overlay district. Staff has added one step in making the process adaptable to anytime an overlay removal request is made with the city. Several sections are affected by the proposed changes including 13-6H-12 Development Plan Requirements; 13-7D-4 Quarterly map meetings; 13-7D-6 Criteria to recommend approval of a zoning ordinance change; and 13-7I-5 Variations from approved development plans.

3. TIME SENSITIVITY / URGENCY

At the discretion of the council

4. FISCAL NOTE

None.

5. PLANNING COMMISSION RECOMMENDATION

6. STAFF ANALYSIS

Staff asks that the Council review the attachment that contains the proposed amendments and inform staff if the amendments are what was intended by the Council and then direct staff with any recommended changes.

Committee of the Whole Meeting

Council Staff Review



Item Name: Senior Housing Overlay Discussion
Department: Community Development
Action Needed: Discussion item; input requested from council

EXECUTIVE SUMMARY

Continued discussion regarding changing or removing the senior housing overlay district (SHO) designation or any other overlay zoning district designation.

BACKGROUND AND TIMELINE

Found in Title 13 Chapter 6H (Senior Housing Overlay Zone), this item was originally discussed by Council during the February 17, 2024 Committee of the Whole meeting.

Staff stated that there was no established process for removing an SHO to permit other uses, despite a recent circumstance involving the removal of an SHO (the Cottages at Parker Place). Council requested that staff return in a future COTW meeting to discuss the implementation of such a process.

COUNCIL OFFICE ANALYSIS

Staff has developed a process for requesting that an SHO designation be removed, revising code to be more adaptable to any overlay removal request in the city.

The revised text amendment is included in this packet, with summarized changes (not including minor grammatical changes) included below:

- Page 1, item D: specification of zoning map amendment application to remove the SHO zoning district designation.
- Page 2, item C2: verbiage added for clarity
- Page 3, item 3: section added stating that applications may not be submitted/accepted if any number of development lots/plots have been sold.
- Page 3, item 6: section and subsections addressing criteria for potential approvals.
- Page 4, item 4: section added to specify that the removal of an overlay district is a major variation from and requires an amended development plan.

TRADEOFFS AND ALTERNATIVES

N/A

Proposed City Code Text Amendment Regarding Changing or Removing the SHO Zoning District Designation or any other Overlay Zoning District Designation

[SHO Zone Provisions in the City Code]

13-6H-12: DEVELOPMENT PLAN REQUIREMENTS:

A. Development Plan: A development plan is to be prepared for each proposed development (or phase) within the ~~senior housing overlay~~ SHO zone. The development plan shall provide pertinent information relative to public improvements, density, universal design concepts being utilized in the development, development standards and compliance therein, and design criteria.

B. Development Plan Review: The steps outlined in section 15-3-8 of this code shall be followed in connection with applications for approval of a development plan, along with the required fees and other specific processes required by this code to complete a specific project.

C. Development Plan Submittal Requirements: A developer seeking city approval of a development plan shall follow the submittal requirements as outlined in title 13, chapter 7, article I.

D. Zoning Map Amendment Application to Remove the SHO Zoning District Designation: An application by a developer or other applicant seeking city approval to change or remove the existing SHO zoning district designation, or part of such existing district designation, is a major variation and requires an amended development plan (with a planning commission recommendation and approval by the city council). If one or more platted lots in an existing SHO zoning district development have been sold, an applicant may not submit, and the city shall not accept, an application to change or remove the existing SHO zoning district designation for said development or any part of said development. See sections 13-7D-4(C), 13-7D-6(A)(6), 13-7I-5(B)(4), and 15-3-8 of this code. (Ord. 11-03, 2-9-2011; amd. Ord. 22-13, 5-11-2022)

[Development Procedures (Zoning Amendments) Provisions in the City Code]

13-7D-4: AUTHORIZED APPLICANT; COUNCIL WORK SESSION AND QUARTERLY MAP MEETING:

A. Zoning Map Amendment: An applicant for an amendment to change the zoning on any property shall be one of the following:

1. The owner of the property;
2. One or more joint owners of property who own individually or as a group, a majority interest in the property;
3. Both of the property owners where property is held in joint tenancy;
4. Seventy five percent (75%) or more of the owners of property in the area covered by the application when the application covers more than one property; or
5. The community development department, the planning commission or the city council on its own motion.

B. Zoning Text Amendment: The applicant for an amendment to change the text of this title, or the text of any other title adopted as a set of land use regulations (titles 5, 8 through 15 inclusive, and 17), shall be the community development department, the planning commission or the city council on its own motion. If an applicant for such an amendment, in the applicant's discretion, submits an application primarily because of the request of an "outside party", then said outside party shall pay a filing fee (but shall not submit an application) according to the consolidated fee schedule, as if said outside party was an applicant.

C. Signature, Work Session, And Quarterly Map Meeting Required: When the application is initiated by someone other than the community development department, the planning commission or city council, then:

1. The application shall be signed by the authorized applicant or an agent of any authorized applicant. The authority of the agent must be in writing, notarized, and filed with the application. The signature of such agent shall have the same force and effect as if the application were signed by the principal; and

2. If the zoning administrator determined that the application for an amendment to change the zoning does not conform to and is not consistent with the purposes, goals, objectives and policies of the adopted general plan and/or future land use map, or if the application requires a zoning text amendment or a waiver or exception, **or if the application proposes changing or removing any existing overlay zoning district designation or part of such existing district designation**, then the application, together with all concurrent applications, shall be placed on a city council work session ("committee of the whole") agenda and a planning commission quarterly map meeting agenda as follows:

Date Of Filing Of Complete Application	Date Of City Council Work Session	Date Of Planning Commission Public Hearing/Meeting
January 1 to March 31	On or before the last meeting of April	Soonest available meeting
April 1 to June 30	On or before the last meeting of July	Soonest available meeting
July 1 to September 30	On or before the last meeting of October	Soonest available meeting
October 1 to December 31	On or before the last meeting of January	Soonest available meeting

3. If one or more platted lots in a development with an existing overlay zoning district designation have been sold, an applicant may not submit, and the city shall not accept, an application to change or remove the existing overlay zoning district designation for said development or for any part of said development. See sections 13-6H-12, 13-7D-6(A)(6), 13-7I-5(B)(4), and 15-3-8 of this code.

(2009 Code; amd. Ord. 17-41, 7-12-2017; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-40, 10-28-2020; Ord. 23-05, 2-8-2023)

13-7D-6: CRITERIA TO RECOMMEND APPROVAL:

A. Zoning Map Amendment: An amendment to the zoning map may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

1. The proposed amendment is consistent with the purposes, goals, objectives and policies of the adopted general plan and future land use map;
2. The proposed amendment will result in compatible land use relationships and does not adversely affect adjacent properties;
3. The proposed amendment protects the public health, safety and general welfare of the citizens of the city;
4. The proposed amendment will not unduly impact the adequacy of public services and facilities intended to serve the subject zoning area and property than would otherwise be needed without the proposed change, such as, but not limited to, police and fire protection, water, sewer and roadways; and
5. The proposed amendment is consistent with the provisions of any applicable overlay zoning districts which may impose additional standards.

6. An amendment to the zoning map regarding changing or removing any existing overlay zoning district designation, or part of such existing district designation, may be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following additional criteria:

- a. The changing or removing of the existing overlay zoning district will not create or exacerbate one or more nonconforming (or noncomplying) uses or structures;
- b. Properties and structures within the existing overlay zoning district will not be significantly negatively affected by a restriction or change of use or uses;
- c. Properties and structures within the existing overlay zoning district will not be significantly negatively affected by lessened or changed design standards; and
- d. The design and layout of the properties and structures within the existing overlay zoning district will maintain the same or higher level of (i) functionality and (ii) compliance with applicable land use regulations.

See sections 13-6H-12, 13-7D-4(C), 13-7I-5(B)(4), and 15-3-8 of this code.

B. Zoning Text Amendment: Amendment to the text of this title or of any other land use regulation title in this code shall be recommended for approval by the planning commission to the city council only if affirmative determinations are made regarding each of the following criteria:

1. The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;

2. The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;
3. The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and
4. The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 17-41, 7-12-2017; Ord. 23-05, 2-8-2023)

[Development Plan Process (including Amendments and Major Variations) in the City Code]

13-7I-5: VARIATIONS FROM APPROVED PLANS AND DEVELOPMENT STANDARDS:

A. Qualified Variations: Variations or modifications to an approved development plan ("variation") are classified as either major or minor. Any variation of or change to an approved development plan, whether major or minor, may only occur as set forth in this section.

B. Major Variation:

1. A variation to an approved development plan is considered "major" if the variation requested would change, alter, or eliminate an issue or condition addressed in the approved development plan which:
 - a. Is unique to the approved development plan;
 - b. Was recommended and/or adopted as a condition of approval of the development plan by the Planning Commission;
 - c. Was adopted as a condition of approval of the development plan by the city council; or
 - d. Was suggested or offered by an applicant as part of the initial application or following submission of the initial application suggested or offered to be included in the development plan by the applicant.
2. A major variation to an approved development plan may only occur by an amendment to the approved development plan. The amendment may only be made by either the planning commission or the city council, whichever approved the original development plan.
3. A request for an amendment to an approved development plan shall require an application, the payment of the applicable fee, and submission of all information required by this chapter.

4. An application by a developer or other applicant seeking city approval to change or remove any existing overlay zoning district designation, or part of such existing district designation, is a major variation and requires an amended development plan (with a planning commission recommendation and approval by the city council). If one or more platted lots in a development with an overlay zoning district have been sold, an applicant may not submit, and the city shall not accept, an application to change or remove the existing overlay zoning district designation for said development or for any part of said development. See sections 13-6H-12, 13-7D-4(C), 13-7D-6(A)(6), and 15-3-8 of this code.

C. Minor Variation:

1. A variation is considered "minor" only if the Zoning Administrator determines in writing that (i) the following conditions of the approved development will exist if the variation is approved, and (ii) that the following characteristics of the development will exist following the implementation of the variance in the development:

- a. No additional uses are added to the approved development plan or the development (residential, commercial, office space, medical, or otherwise);
 - b. All footprints, setbacks, and other requirements of city ordinances, standards, and regulations are met;
 - c. The heights of the buildings are the same or lower than in the approved development plan and in the development;
 - d. The density of the housing units, if any, is the same or lower than in the approved development plan and in the development;
 - e. The amount of office space, commercial space, or other similar required space, if any, is the same or more than in the approved development plan and in the development;
 - f. The amount or number of improvements and amenities, if any, is the same or more than in the approved development plan and in the development; and
 - g. All other similar measurable criteria are the same or more or "better" on the approved development plan and in the development, as determined by the Zoning Administrator. For example: owner-occupied residential units are deemed to be better than leased or rented residential units; or vinyl fencing is not the same or better than pre-cast concrete decorative fence.
2. The request for a minor variation shall be submitted in writing to the Zoning Administrator and shall include the following:
- a. A detailed description and/or depiction of the nature of the variation or modification request; and
 - b. A detailed explanation of how the variation will not affect the overall intent and purpose of the approved development plan.
3. The Zoning Administrator may reject any minor variation request that fails to include any required information.
4. The Zoning Administrator is authorized to grant a minor variation in his or her sole discretion only upon a written determination and explanation by the Zoning Administrator, including specific facts related to the development ("written determination"), as follows:
- a. How and why the variation is consistent with the intent of this article;
 - b. That the variation does not increase the overall allowable maximum density granted to the development;
 - c. Why the variation does not affect an approved preliminary or final site plan;
 - d. Why the variation does not affect an approved preliminary or final subdivision or condominium plat;
 - e. Specific facts as to why the variation does not constitute a major variation and therefore may be granted by the Zoning Administrator; and
 - f. The written determination shall be provided to the council office. (Ord. 22-13, 5-11-2022)