

**NOTICE OF WORK MEETING OF THE  
CITY COUNCIL OF THE CITY OF ST. GEORGE,  
WASHINGTON COUNTY, UTAH**

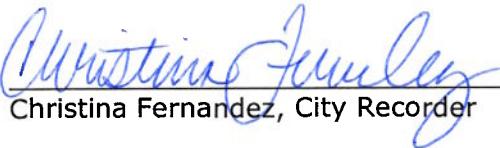
**Public Notice**

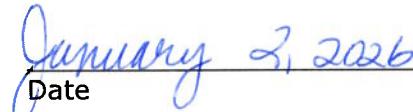
Public notice is hereby given that the City Council of the City of St. George, Washington County, Utah, will hold a work meeting in the City Council Conference Room at the St. George City Hall located at 61 South Main Street, St. George, Utah, on Thursday, January 8, 2026, commencing at 4:00 p.m.

The agenda for the meeting is as follows:

Call to Order

1. Update from representatives of the Huntsman World Senior Games.
2. Discussion regarding a code amendment to add a new zone that would allow for 4,000 sq. ft. single-family lots.
3. Discussion regarding a code amendment to allow for a County Park in R-1-10 zoning.
4. Discussion regarding the programming of space at City Hall.
5. Discussion regarding a code amendment pertaining to City Officers.
6. Request a closed meeting to discuss litigation, security, property acquisition or sale or the character and professional competence or physical or mental health of an individual.
7. Adjourn and reconvene in the City Council Chambers for a Regular Meeting of the City Council.

  
Christina Fernandez, City Recorder

  
Date

REASONABLE ACCOMMODATION: The City of St. George will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs. Please contact the Human Resources office at 435-627-4674, at least 24 hours in advance if you have special needs.

# R-1-4 Zone 4,000 sf Residential Lots

Work Meeting Discussion



Current Smallest  
Sized Lot: 5,000 sf

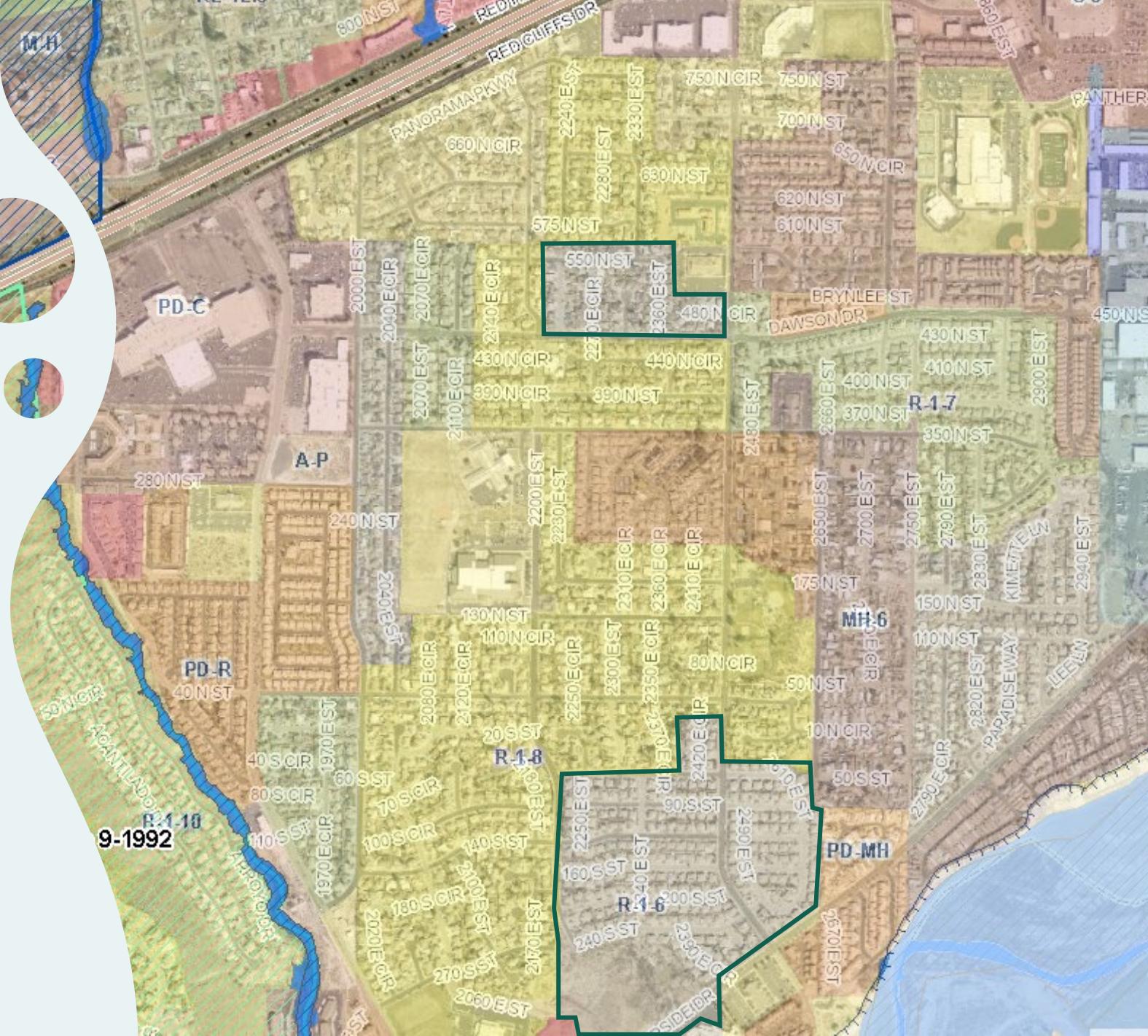
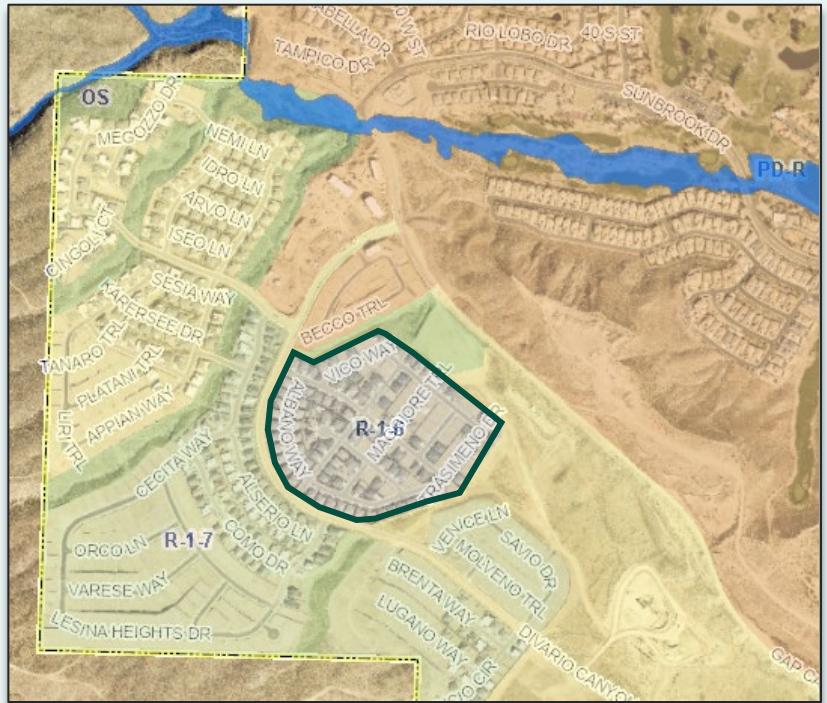
## RCC DISTRICT

Minimum lot area	5,000 square feet
Minimum lot width/ frontage	40'
Front yard(s)	15' from back of sidewalk; garage setback shall be a minimum of 20' from property line
Exception:	Elevated open front porch, only up to 5' in the setback
Rear yard	10'
Exception:	Detached garage is allowed in the rear yard; if garage is accessed by an alley, a 20' setback is required from the alley
Side yard	8' (5'; provided, no easements or public utilities are located in the side yard)
Exception:	Structures with existing nonconforming setbacks may expand the existing structure and maintain the same setback
Street side yard, existing dwelling	5' from back of sidewalk, if the side yard is adjacent to a RCC modified street
Street side yard	15' from back of sidewalk; garage setback shall be a minimum of 20' from property line
Exception:	Elevated open front porch, only up to 5' in the setback

## PD-R DISTRICT

Lot Size	Maximum Lot Coverage	Minimum Area Landscaped	Minimum Yard Setbacks		
			Front and Street Side	Side	Rear
The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) 5,000 square feet.	50%	30%	15' 20' for a garage or carport	Setback: Adjacent to single-family zone: 30' if building height is more than one story or 20' or greater; 8' if building height is one story or less than 20'; 10' if building height is more than one story or 20' or greater.	Setback: Adjacent to single-family zone: 30' if building height is more than one story or 20' or greater; 10' if building height is one story or less than 20'; 20' if building height is more than one story or 20' or greater. Adjacent to a street: 20' with a 6' privacy wall along street right-of-way

# Smallest R-1 District is R-1-6



# EXAMPLE

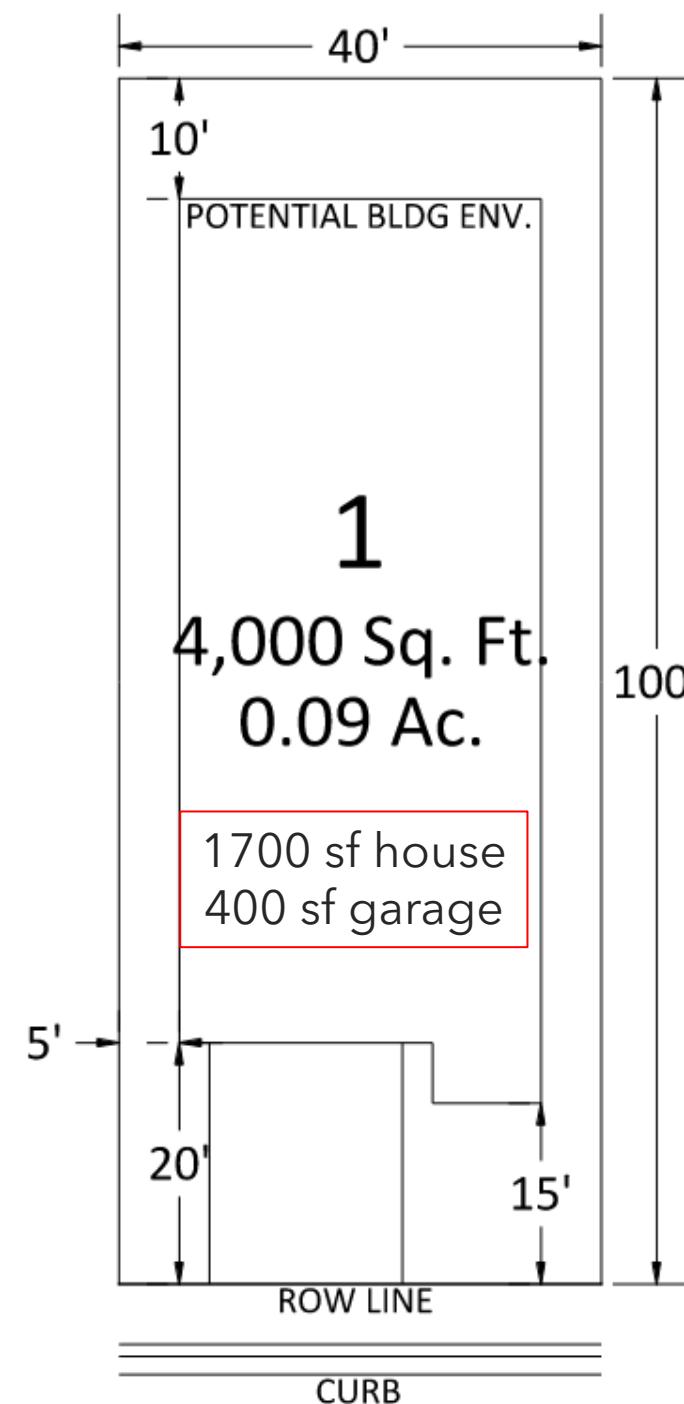
Minimum Lot Width: 40'

Front Setback: 15' House

20' Garage

Side Setback: 5'

Rear Setback: 10'



# PROPOSED R-1-4 ZONE

# RCC ZONE

Minimum lot area	<b>4,000</b> square feet
Minimum lot width/ <b>frontage</b>	<b>40'</b>
<b>Front yard(s)</b>	<b>15'</b> from property line  <b>20'</b> from property line for a garage
<b>Rear yard</b>	<b>10'</b>
<b>Side yard</b>	<b>5'</b>
<b>Street side yard</b>	<b>15'</b> from back of sidewalk; garage setback shall be a minimum of <b>20'</b> from property line

Minimum lot area	<b>5,000</b> square feet
Minimum lot width/ <b>frontage</b>	<b>40'</b>
<b>Front yard(s)</b>	<b>15'</b> from back of sidewalk; garage setback shall be a minimum of <b>20'</b> from property line  Exception: Elevated open front porch, only up to <b>5'</b> in the setback
<b>Rear yard</b>	<b>10'</b>  Exception: Detached garage is allowed in the rear yard; if garage is accessed by an alley, a 20' setback is required from the alley
<b>Side yard</b>	<b>8'</b> ( <b>5'</b> ; provided, no easements or public utilities are located in the side yard)  Exception: Structures with existing nonconforming setbacks may expand the existing structure and maintain the same setback
<b>Street side yard, existing dwelling</b>	<b>5'</b> from back of sidewalk, if the side yard is adjacent to a RCC modified street
Street side yard	<b>15'</b> from back of sidewalk; garage setback shall be a minimum of <b>20'</b> from property line  Exception: Elevated open front porch, only up to <b>5'</b> in the setback

# DENSITY

- Net density (just the lots): ~11 du/ac
- Gross density (including streets, sidewalks, etc.): typically 8-9 du/ac, depending on subdivision design



# LAND USE

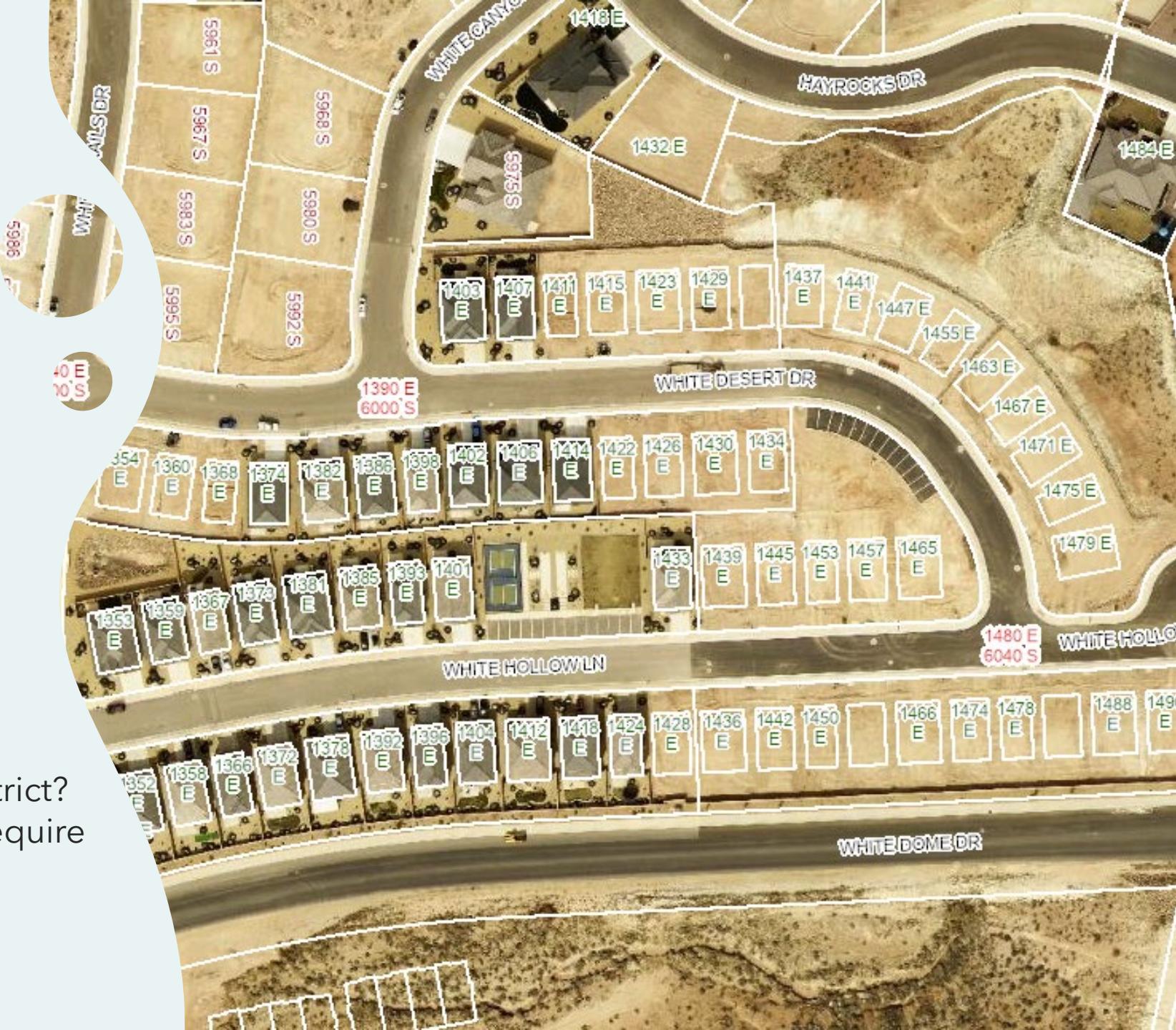
## Medium Density Residential

- 5-9 dwelling units/acre)
- R-1-6 & R-1-7

# R-1-4 ZONE

## DISCUSSION

- Require Amenities?
- Modify guest parking standards?
- Limit size of developments?
- Lower minimum size of lots in RCC District to 4,000 sf?
- Add design standards like RCC District?
- Add development standards that require R-1-4 district to be evenly spaced throughout city?



# MINIMUM HOUSE SIZE

## **10-7-6: DESIGN CRITERIA:**

All proposed structures that meet the following criteria:

### *F. Minimum Floor Area:*

1. Each dwelling located on a lot of seven thousand (7,000) square feet or less in size shall have a minimum floor area, exclusive of garages and basement, of nine hundred (900) square feet.
2. Each dwelling located on a lot greater than seven thousand (7,000) square feet in size shall have a minimum floor area, exclusive of garage and basement, of one thousand (1,000) square feet.

District	Lot Area Minimum in Square Feet	Minimum Lot Width/ Frontage	Minimum Yard Setbacks		
			Front and Street Side	Side	Rear
<b>R-1-6</b>	6,000	70'	20'	6' If no public utility easement 8' if public utility easement exists	10'
<b>R-1-7</b>	7,000	70' or 65' in the central city	20'	6' If no public utility easement 8' if public utility easement exists	10'
<b>R-1-8:</b> Lot size averaging:	8,000 Not more than a 20% reduction	70' or 65' in the central city Not less than 65'	20'	8'	10'
<b>R-1-10</b> Lot size averaging:	10,000 Not more than a 30% reduction	80' Not more than a 30% reduction	20'	8'	10'
<b>R-1-12</b> Lot size averaging:	12,000 Not more than a 30% reduction	90' Not more than a 30% reduction	20'	8'	10'
<b>R-1-20</b> Lot size averaging:	20,000 Not more than a 30% reduction	100' Not more than a 30% reduction	20'	8'	10'
<b>R-1-40</b> Lot size averaging:	40,000 Not more than a 30% reduction	200' Not more than a 30% reduction	20'	8'	10'

County Request:  
Add  
'County Park'  
as a Permitted use

#### Allowed Uses

	R-1-6	R-1-7	R-1-8	R-1-10	R-1-12	R-1-20	R-1-40
City facility, primary	P	P	P	P	P	P	P
City facility accessory uses; accessory structure and use	P	P	P	P	P	P	P
Communication transmission facilities, including wireless, primary	<a href="#">PS</a>						
Communication transmission facilities, including wireless, primary, height over 50'	<a href="#">C</a>						
Live-work unit			<a href="#">PS</a>				
Public utility facilities, primary	<a href="#">PS</a>						
Public utility facilities accessory uses; accessory structures	P	P	P	P	P	P	P
Religious facility, primary	P	P	P	P	P	P	P
School, public or charter, primary	P	P	P	P	P	P	P
Short-term residential rental	<a href="#">PS</a>						
Single-family dwelling, primary	P	P	P	P	P	P	P

**10-7B-1:****ALLOWED USES:**

Any use not specifically permitted, permitted with standards, or conditionally permitted is prohibited. Only the following uses are allowed:

- A. Uses indicated by the letter "P" below are permitted in the designated zone.
- B. Uses indicated by the letters "PS" are permitted uses with required standards in this zone. Uses must comply with the standards and evaluation criteria established in chapter [17](#) of this title.
- C. Uses indicated by the letter "C" are conditional uses in the designated zone.

**Allowed Uses**

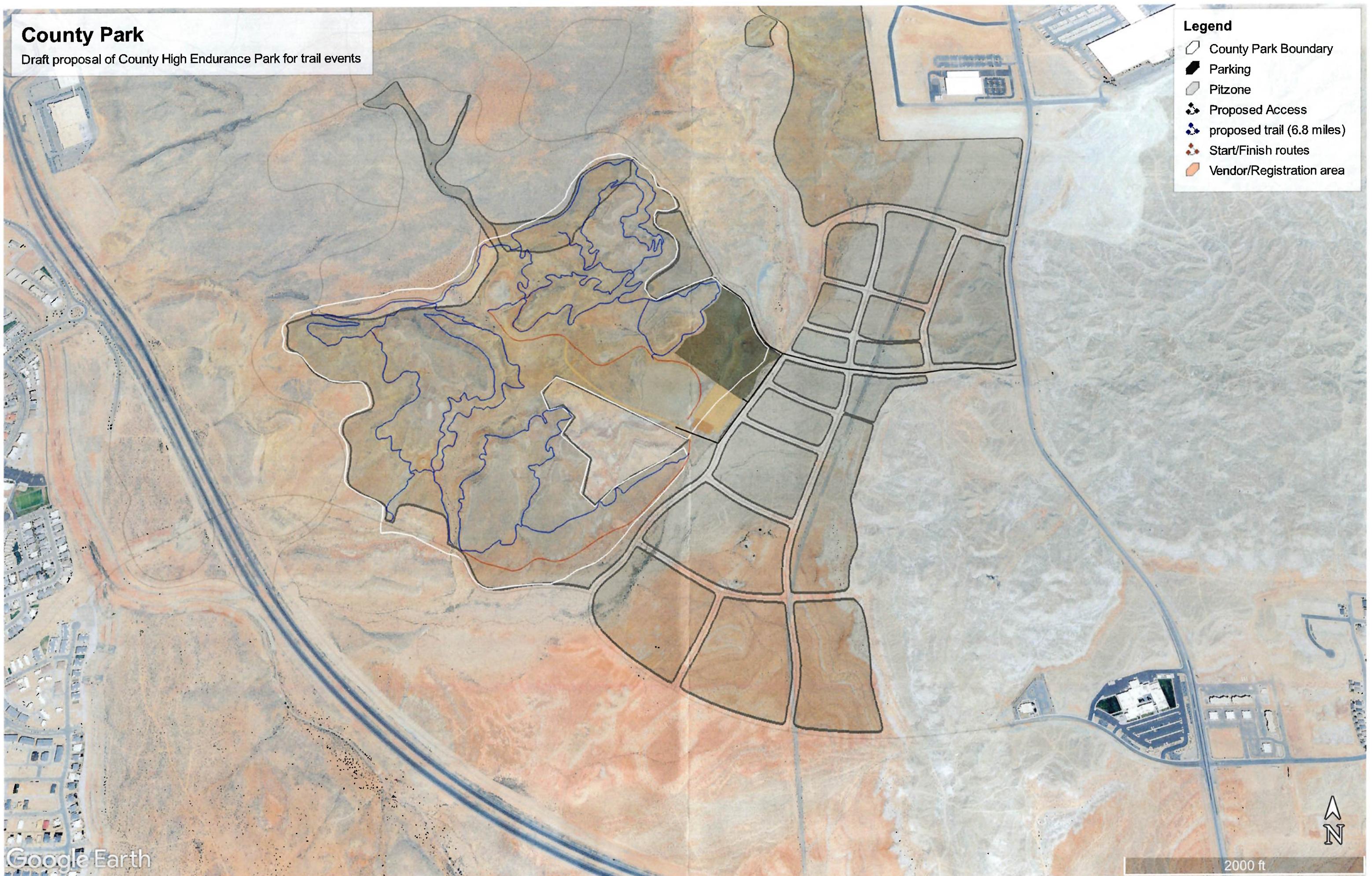
	R-1-6	R-1-7	R-1-8	R-1-10	R-1-12	R-1-20	R-1-40
City facility, primary	P	P	P	P	P	P	P
City facility accessory uses; accessory structure and use	P	P	P	P	P	P	P
Communication transmission facilities, including wireless, primary	<u>PS</u>						
Communication transmission facilities, including wireless, primary, height over 50'	<u>C</u>						
<u>County park</u>				<u>P</u>			
Live-work unit			<u>PS</u>				
Public utility facilities, primary	<u>PS</u>						

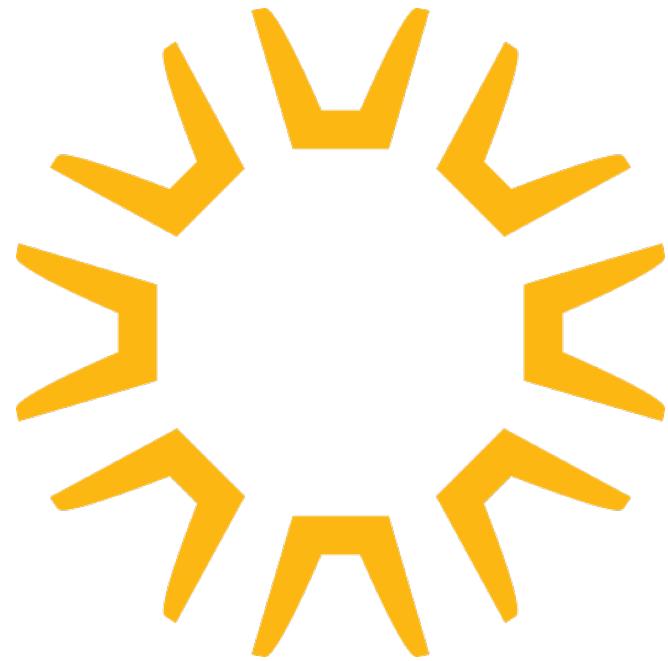
## County Park

Draft proposal of County High Endurance Park for trail events

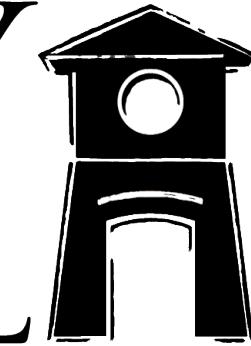
**Legend**

- County Park Boundary
- Parking
- Pitzone
- Proposed Access
- proposed trail (6.8 miles)
- Start/Finish routes
- Vendor/Registration area





ST. GEORGE  
**CITY**  
**HALL**  
AT TOWN SQUARE



# City Hall Public Spaces

Council  
Chambers

The Atrium

Civic  
Room

The Plaza

Parking  
Garage

# Council Chambers

- 3,745 Sq. Ft.
- 20 ft. ceilings
- Room can be separated into two rooms
- Max Occupancy:
  - 175 Chamber A
  - 175 Chamber B



# The Atrium

- 3,755 sq. ft.
- 50 ft. ceiling
- Linear layout east-west
- Two public entrances
- Max Occupancy 250



# Civic Room

- 4,180 sq. ft.
- 11 ft. ceilings
- Opens to Main Street, Plaza and Atrium
- Max Occupancy 200



# Civic Room Options

1. City-sponsored events and exhibits
2. Rental space similar to Dixie Academy Ballroom
3. Third-party contracted to program space
4. City-associated organizations to use for training and education
5. Implement same use policy as Town Square





## SITE PLAN CONCEPT

St. George City Hall Plaza

# The Plaza

1. 20,000 sq. ft.
2. Shade structures
3. Fire pits
4. I $\heartsuit$ STG Sculpture
5. Sego Lily Sculpture
6. Art Around the Corner
7. Slides
8. Tables and chairs
9. Occupancy 500+



## SITE PLAN CONCEPT

St. George City Hall Plaza

# Parking Garage

1. 15,000 sq. ft. (level space per floor)
2. 290 stalls
3. 1,2,3 floors access to City Hall)



# APPOINTEE CODE CHANGES

# PURPOSE



At the request of the Chief of Police, staff is proposing changes to the City Code relating to appointed officers in order to:

1. Clarify authorization for appointments within the police department;
2. Mirror practices with code provisions;
3. Clear up ambiguity between policies and code provisions;
4. Clarify merit employees vs political appointees.

# SECTION 1-7-2:



SUBSECTION B(1) – added residency requirement for midterm council vacancy

SUBSECTION B(2) – Clarifies those appointed by Mayor affirmed by Council, and adds authority for Police Chief to appoint Deputy Chief and Captains.

# SECTION 1-7-3:



## **VACANCIES:**

- A. *Mayor Or Council Member*: If any vacancy shall occur in the office of the mayor or a council member by death or resignation, removal or otherwise, such vacancy shall be filled as provided in Utah Code Annotated section 20A-1-510.
- B. ~~*City Recorder Or Treasurer*~~ *Appointed Officers*: If a vacancy shall occur in the office of the city recorder or city treasurer any of the mayoral appointed offices, the mayor, by and with the consent of the city council, shall forthwith fill such vacancy by appointment for the unexpired term.



# SECTION 1-7-4:

## APPOINTIVE OFFICERS:

The mayor, with the advice and consent of the city council, shall appoint on or before ~~the first Monday in February~~ **July 1st** following a municipal election, the following named officers, who shall hold their offices for the term of two (2) years, unless sooner removed by the city council, and until their successors are appointed and qualified: a city attorney, city recorder, city treasurer, **city engineer**, chief of police, fire chief, director of ~~leisure~~ **parks and community services**, director of public works, **director of operations**, director of water services, director of energy services, **finance** director of ~~administrative services~~, **community development director**, **airport manager**, and such other officers and agents as may be provided by law; and in like manner shall fill all vacancies among the same, **in conformance with this Code and except as otherwise provided by law.**



# SECTION 2-2-1:

Clarifies merit positions vs appointees:

- A. Except as provided in subsection B of this section, each ~~full-time~~ employee of the city ~~who has successfully completed their initial new-hire probationary period~~ shall hold employment without limitation of time, ~~and shall be considered a merit employee, subject to termination only for cause, being subject to discharge, suspension of over two (2) days without pay, or involuntary transfer to a position with less remuneration only as provided in section 2-2-2.~~
- B. Subsection A of this section does not apply to the following:
  - 1. An officer appointed by the mayor or the city manager ~~including the department heads enumerated in Section 1-7-2 of this Code;~~
  - 2. An officer appointed by ~~t~~~~he~~ police chief ~~including the Deputy Chief of Police and Captains;~~
  - 3. The fire chief;
  - 4. Any ~~department head;~~
  - 5. ~~A superintendent;~~
  - 36. A probationary employee ~~including new-hire probation and disciplinary probation;~~
  - 47. A part time employee;
  - 58. A seasonal or temporary employee of the municipality; or
  - 69. An employee who has acknowledged in writing that the employee's employment status is appointed or at will.
- C. Nothing in this section may be construed to limit the city's ability to define cause for an employee termination or reduction in force.

# SECTION 2-2-2



## APPEAL PROCEDURE (IN CONJUNCTION WITH POLICY 4.50)

1. Clarifies which actions may be appealed to the ALJ (Policy changes address other appeals)
2. Creates a Process which the ALJ must follow
3. Creates the legal and evidentiary standards which must be met.

**1-7-2:****ELIGIBILITY AND RESIDENCY REQUIREMENTS:**

A. *Elected Officers:* All elective officers shall be chosen by the registered voters of the city.

B. *Residency Requirements:*

1. *Elected Officials:*

a. A person filing a declaration of candidacy for mayor or city council shall:

(1) Have been a resident of the city for at least three hundred sixty five (365) consecutive days immediately before the date of the election; and

(2) Meet the other requirements of Utah Code Annotated section [20A-9-203](#).

b. A person living in an area annexed to the city meets the residency requirement of this subsection if that person resided within the area annexed to the city for at least three hundred sixty five (365) consecutive days before the date of the election.

c. Any elected officer shall be a registered voter in the city.

d. Each elected officer shall maintain residency within the boundaries of the city during the elected officer's term of office.

e. If an elected officer establishes a principal place of residence, as provided in Utah Code Annotated section [20A-2-105](#), outside the city during the elected officer's term of office, the office is automatically vacant.

f. If an elected officer is absent from the city any time during the elected officer's term of office for a continuous period of more than sixty (60) days without the consent of the governing body, the office is automatically vacant.

**g. Candidates seeking to fill mid-term vacancies in any elected office must also meet the residency requirements to be eligible for appointment.**

2. *Appointed Officers:*

a. The City of St. George has designated the following positions as appointed Department Heads, appointed by the Mayor with the advice and consent of the City Council. All persons appointed to the following offices or positions of this city must be residents of the city, except that residence in the city at the time of appointment shall not be required as a condition of the appointment, but within one hundred eighty (180) days after reporting for work, the appointee must become and remain a resident of the city during the term of employment unless otherwise approved by the city council:

- ia. City manager;
- ib. Chief of police;
- ic. Fire chief;
- id. Director of parks and communityleisure services;
- ve. Director of public works;
- vf. Director of water services;
- gvii. Director of energy services;
- viii. Director of financeadministrative services;
- ix. City attorney;
- xj. Director of community development;
- xk. Airport manager.
- xii. Director of operations (Ord. 2016-01-003, 1-21-2016)

b. The City of St. George has designated the following police personnel as appointed positions, appointed by the Chief of Police:

- i. Deputy Chief of Police
- ii. Captains

---

**The St. George City Code is current through Ordinance 2025-069, passed August 21, 2025.**

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

[City Website: www.sgcity.org](http://www.sgcity.org)

[City Telephone: \(435\) 627-4000](tel:(435)627-4000)

[Hosted by General Code.](#)

---

### **1-7-3:**

#### **VACANCIES:**

A. *Mayor Or Council Member*: If any vacancy shall occur in the office of the mayor or a council member by death or resignation, removal or otherwise, such vacancy shall be filled as provided in Utah Code Annotated section 20A-1-510.

B. *City Recorder Or Treasurer*~~Appointed Officers~~: If a vacancy shall occur in ~~the office of the city recorder or city treasurer~~any of the mayoral appointed offices, the mayor, by and with the consent of the city council, shall forthwith fill such vacancy by appointment for the unexpired term.

**1-7-4:****APPOINTIVE OFFICERS:**

The mayor, with the advice and consent of the city council, shall appoint on or before ~~the first Monday in February~~July 1st following a municipal election, the following named officers, who shall hold their offices for the term of two (2) years, unless sooner removed by the city council, and until their successors are appointed and qualified: a city attorney, city recorder, city treasurer, city engineer, chief of police, fire chief, director of ~~leisure~~ parks and community services, director of public works, director of operations, director of water services, director of energy services, finance director of ~~administrative services~~, community development director, airport manager, and such other officers and agents as may be provided by law; and in like manner shall fill all vacancies among the same, in conformance with this Code and ~~except as~~ otherwise provided by law.

---

## **2-2-1:**

### **CITY EMPLOYEES – DURATION AND TERMINATION OF EMPLOYMENT – EXCEPTIONS:**

A. Except as provided in subsection B of this section, each full-time employee of the city who has successfully completed their initial new-hire probationary period shall hold employment without limitation of time, and shall be considered a merit employee, subject to termination only for cause, being subject to discharge, suspension of over two (2) days without pay, or involuntary transfer to a position with less remuneration only as provided in section 2-2-2.

B. Subsection A of this section does not apply to the following:

1. An officer appointed by the mayor or the city manager including the department heads enumerated in Section 1-7-2 of this Code;
2. An officer appointed by ~~t~~he police chief including the Deputy Chief of Police and Captains;
3. The fire chief;
4. Any department head;
5. A superintendent;
36. A probationary employee including new-hire probation and disciplinary probation;
47. A part time employee;
58. A seasonal or temporary employee of the municipality; or
69. An employee who has acknowledged in writing that the employee's employment status is appointed or at will.

C. Nothing in this section may be construed to limit the city's ability to define cause for an employee termination or reduction in force.

## 2-2-2:

### **DISCHARGE TERMINATION – SUSPENSION WITHOUT PAY, OR INVOLUNTARY TRANSFER – APPEAL PROCEDURE:**

A. Prohibited employment practice: An employee may not be ~~discharged~~~~terminated~~, suspended without pay, or involuntarily transferred to a position with less remuneration ~~(demoted)~~:

1. Because of the employee's politics or religious belief; or
2. Incident to or through changes, either in the elected officials or heads of departments.

B. Applicability:

1. ~~If an~~~~A~~ ~~merit~~ employee ~~who~~ is ~~discharged~~~~terminated~~, suspended for more than two (2) days without pay, or involuntarily transferred from one (1) position to another with less remuneration ~~(demoted)~~ for any disciplinary reason, the employee may appeal the action in writing to an administrative law judge by filing the written appeal and all relevant materials with the ~~human~~~~resources~~ ~~director~~~~city recorder~~ within the timelines and under the general guidelines ~~provided in~~~~title 1, chapter 15 of this code, this chapter, set forth below~~ and the provisions of the city policy and procedures entitled "Discipline and Employee Appeal," ~~personnel policies~~ including all future amendments, deletions and additions made by the city.

2. ~~C.~~—Merit employees ~~who~~ have the right to appeal a ~~been~~ dismissed~~ed~~, ~~terminated~~~~ed~~, or ~~release~~~~separated~~ from employment, or ~~reassignment~~~~reassigned~~ to a position with less remuneration, based on the employee's ~~fitness for duty~~~~inability to perform the essential functions of the position based upon a medical condition, may appeal that determination to the administrative law judge.~~ The administrative law judge may request the appointment of an independent medical expert, in the administrative law judge's discretion, if the administrative law judge believes the expert's opinion is necessary for the resolution of the case.

3. ~~D.~~—No appeal is allowed for ~~discharge~~~~termination~~ or involuntary reassignment due to loss of state or federal licensure or certification which is required for the employee's position.

C. Process: ~~An employee shall submit a written appeal to the city recorder within 10 business days of the disciplinary action. The appeal must be received no later than 5:00 p.m. on the 10<sup>th</sup> business day. At all times during the appeal process, the appealing employee has the right to be represented by legal counsel if they choose.~~

1. Written appeal. ~~The written appeal must include:~~

a. ~~The name, address, phone number, and email address of the employee.~~

---

b. A short statement of reasons for the appeal which should include:

- i. A statement of why the employee believes the facts do not support the discipline; and/or
- ii. A statement of why the employee believes the discipline imposed is not proportional to the offense; and
- iii. A statement of what (if any) due process violations the employee is claiming.

c. Any additional facts or evidence known to the employee which support their appeal.

d. A list of witnesses who may testify in support of the employee. (Note: The appealing employee is responsible for notifying such witnesses of the date, time and place of the hearing. Subpoenas may be provided to compel attendance if needed).

e. A statement of the relief or resolution the employee is seeking.

2. City Response: Upon receipt of the written appeal and within 30 calendar days, the City, through the legal department, shall provide a written response to the appeal which response should include:

- a. A list of all of the documents, records, reports, etc., that were used in the disciplinary decision which have been provided to the administrative law judge through the City Recorder.
- b. A statement of the due process that was afforded to the employee during the disciplinary process.
- c. A short statement of reasons for the discipline which should include:
  - i. A statement of the facts that support the discipline; and
  - ii. A statement of why the discipline imposed is proportional to the offense. This statement should include not only why the discipline is proportionate to the offense, but why it is consistent with other disciplinary actions taken within the department.
- d. A list of witnesses the City intends to call at the hearing.

3. Scheduling

---

---

- a. Upon receipt of a properly filed written notice of appeal the administrative law judge shall schedule a hearing and shall notify the City Recorder of the date and time of the hearing. The administrative law judge shall consult with the employee and the legal department regarding the date and time of the hearing prior to scheduling the hearing. The hearing shall be no sooner than 30 days from the date of the appeal, and no later than 180 days from the date of the appeal. The city shall provide a suitable location for the hearing, and the hearing shall be open to the public.
- b. If the appeal does not comply with this section, or the provisions of the personnel policies, the administrative law judge shall dismiss the appeal.
- c. The City Recorder shall notify the employee, the City Manager, the affected department, the Human Resources Department, and the Legal Department of the date, time, and place for the hearing.
- d. Appeal hearings are public. The City Recorder will post notice of the hearing on the city website and on the state public notice website.

### 3. Pre-hearing matters

- a. The administrative law judge may require the parties to participate in pre-hearing conferences, or a briefing of the issues in general, or a briefing of a particular issue. The brief may be informal and should not be unduly long or technical.
- b. Upon receipt from the City, the City Recorder shall make available to the administrative law judge and the appealing employee, all of the documents and evidence submitted by the City.

### 4. Hearing Procedure. The administrative law judge shall take and receive evidence, fully hear and determine the matter that is the subject of the appeal. The hearing shall not be bound either by legal procedures or by legal rules of evidence. The hearing of the employee appeal before the administrative law judge shall conform to the following procedures:

- a. The administrative law judge shall open the hearing by naming the parties and stating the nature of the action taken by the City and the relief the employee is asking for. If the employee fails to appear for the hearing, without good cause, the

---

administrative hearing officer shall announce that the appeal has been withdrawn and the employee's rights to appeal are waived.

b. A verbatim record shall be made of the proceedings, and the City Recorder shall retain a copy for a period of one year or as required by state law.

c. The appealing employee has the burden of proof and thus, shall present their case first. The employee may make an opening statement and present his/her evidence to the administrative law judge, including all facts and evidence he/she wishes the administrative hearing officer to consider and all witnesses he/she wants to testify. The appealing employee may examine any evidence to be considered by the administrative law judge. The City may question any witness the employee has testify.

d. The City may make an opening statement and shall present its case, including all facts, evidence, and witnesses intends to call and testify. The appealing employee may question any City witness who testifies. This presentation may include a rebuttal of any of the evidence presented by the appealing employee.

e. If desired, the appealing employee may then question any facts or evidence presented by the City and present evidence and witnesses in rebuttal.

f. Finally, both the appealing employee and the City may make a closing statement, with the appealing employee having the opportunity to reserve time for an additional statement after the City's closing argument.

g. The administrative law judge may question the appealing employee, the City representative, and/or any witness. However, the administrative law judge may not choose to call in or question additional witnesses.

D. Standard of Review on Appeal:

1. On appeal, the administrative law judge shall consider all evidence and shall determine whether or not the appealing employee has met their burden of proof regarding:

a. Whether the facts support the allegations or charges made; and

b. Whether the discipline imposed proportional to the allegations or charges made.

2. When considering the proportionality of the discipline under section D.1.b above, the administrative law judge shall:

---

---

a. consider all of the facts and circumstances and determine if the discipline is appropriate for the offense and determine if the discipline is consistent with other discipline given to similarly situated employees.

b. give deference to the decision of the department head or city manager's decision and overturn the decision only if the decision is clearly disproportional.

E. Decision of the Administrative Law Judge

1. In appeals of employee discipline or other employment action, the administrative law judge shall either sustain the employment disciplinary action or overturn the action. The administrative law judge may not modify the employment action disciplinary decision.

2. F. The decision of the administrative law judge shall be in writing, shall articulate the findings of facts, circumstances, and law supporting the decision, and shall certify the decision to the city recorder within fifteen (15) calendar days from the date of the hearing, except, for good cause, the administrative law judge may extend the fifteen (15) day period to a maximum of sixty (60) calendar days, for good cause if the employee and the city both agree.

G. If the administrative law judge finds in favor of the employee, the administrative law judge shall provide order as part of the decision, that the employee shall receive:

1. The employee's salary for the period of time during which the employee is discharged or suspended without pay; or
2. Any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.