



**THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
MEETING
February 10, 2026**



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

Welcome to Committee of the Whole meeting!

While the Council encourages in-person attendance, you may attend virtually by using the links in the top right corner.

WEST JORDAN PUBLIC MEETING RULES

To view meeting materials for any agenda item, click the item title to expand it, then select the view icon to access attachments, or visit <https://westjordan.primegov.com/public/portal>

WORK SESSION 4:00 pm

1. CALL TO ORDER

2. DISCUSSION TOPICS

- a. Discussion of a Proposed Rezone of 1.74 Acres to R-1-12 or R-1-14 Within an RR-1 Neighborhood Located at 8415 South Susan Way
- b. Discussion of Jones Southwest Quadrant - Rezone, Future Land Use Map Amendment, and Development Agreements Located at 7382 West New Bingham Highway
- c. Discussion of Proposed Amendments to City Code – Title 1, Chapter 12 – Employee Appeal Process
- d. Legislative Update
- e. Tour of West Jordan Justice Court

3. ADMINISTRATIVE ITEMS

Topics not included on the agenda, brought up for discussion to address matters of importance or items needing prompt attention. Final action on these topics will not be taken at this meeting.

4. ADJOURN

Please note at the conclusion of this meeting, the Council will convene for its Regular Council meeting.

UPCOMING MEETINGS

- Tuesday, February 24, 2026 – Committee of the Whole (4:00p) – Regular City Council (7:00p)
- Tuesday, March 10, 2025 – Committee of the Whole (4:00p) – Regular City

- Council (7:00p)
- Tuesday, March 24, 2025 – Committee of the Whole (4:00p) – Regular City Council (7:00p)
 - Tuesday, March 31, 2025 – Committee of the Whole (6:00p)

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/pmnl/>, 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.

Posted and dated February 6, 2026 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 02/10/2026

Presenter: Mark Forsythe, Associate Planner

Deadline of item : 02/10/2026

Applicant: Angela Roberts

Department Sponsor: Community Development

Agenda Type: DISCUSSION TOPICS

Presentation Time: 5 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of a Proposed Rezone of 1.74 Acres to R-1-12 or R-1-14 Within an RR-1 Neighborhood Located at 8415 South Susan Way

2. EXECUTIVE SUMMARY

The City Council is being asked to provide feedback for a proposed change to the Zoning Map for a 1.74-acre vacant parcel located at 8415 South Susan Way. The applicant is proposing a change to the zoning of the property from RR-1C (*Rural Residential 1-acre lots*) to either an R-1-12 (*Single-Family Residential - 12,000 square foot lots*) or an R-1-14 (*Single-Family Residential - 14,000 square foot lots*) Zone. The Future Land Use designation of the property and the surrounding neighborhood is Very Low Density Residential, which supports the RR-1, R-1-12 and R-1-14 zones and will not need to be amended. However, the subject property is located within a neighborhood that consists entirely of lots that are 40,000 square feet (slightly less than an acre) or larger.

The purpose of bringing this proposed rezone before the City Council is to ascertain whether or not a rezone to a higher density zone is appropriate for this property in this neighborhood and, if so, what density is appropriate.

3. TIME SENSITIVITY / URGENCY

The applicant will be making future plans and submitting a formal application based on the feedback from the City Council. They would like to have this feedback as soon as possible.

4. FISCAL NOTE

N/A

5. PLANNING COMMISSION RECOMMENDATION

6. ADMINISTRATIVE STAFF ANALYSIS

The subject property is located at the south end of Susan Way, which ends in a road stub. As such, the property is a remnant parcel that was left over from when the Huntington Estates Subdivision #1 developed around it in the late 1960's. It was not included in the Huntington Estates Subdivision #1 plat boundaries. All of the lots within the surrounding Huntington Estates Subdivision are larger than 40,000 square feet, which is the minimum lot size in the RR-1 zone. The average lot size in this subdivision is 0.94 acres or 40,946 square feet.

The east side of the property is bordered by the Utah Lake Distributing Canal. On the opposite side of the canal is the Aurora Heights Subdivision, which is zoned R-1-10 with 10,000 square foot lots. The overall density for this subdivision is 3.13 dwelling units per acre.

The neighborhood to the south is the Villa West mobile home park, which is fully self-contained. This mobile home park is a single 30-acre metes and bounds parcel under single-entity ownership that is not part of any recorded subdivision plat. Villa West contains a total of 210 for-rent mobile homes at an overall density of 6.96 dwelling units per acre.

The property to be rezoned and the entirety of the Huntington Estates Subdivision is designated as Very Low Density Residential on the General Plan's Future Land Use Map. According to the General Plan, the appropriate zones for the Very Low Density Residential land use designation include the A, RR, RE, R-1-9, R-1-10, R-1-12, R-1-14, P-C and PRD zones. The density range for Very Low Density Residential is 0 – 3 dwelling units per acre. Both of the requested R-1-12 and R-1-14 zones would result in a density that falls within this density range, as would the existing RR-1 zone. The R-1-12 zone would yield a density of 2.30 dwelling units per acre, while the R-1-14 zone would result in 1.72 dwelling units per acre. If the property remains zoned RR-1, the density would be 1.15 dwelling units per acre.

It should also be noted that the R-1-12 and R-1-14 zones do not have the same animal keeping rights as the RR-1 zone.

7. MAYOR RECOMMENDATION

N/A

8. COUNCIL STAFF ANALYSIS

What You Need to Know – A Plain Language Summary

The City Council is being asked to provide feedback on whether a 1.74-acre vacant parcel at 8415 South Susan Way should be rezoned from RR-1 (Rural Residential, 1-acre lots) to either R-1-12 (12,000 sq. ft. lots) or R-1-14 (14,000 sq. ft. lots).

- Why this matters: The property is currently surrounded by homes on lots averaging nearly one acre (40,000 sq. ft.). A rezone would allow smaller lots and higher density than the immediate neighborhood, though still within the General Plan's Very Low Density Residential designation (0–3 units per acre).
- Council's role: Provide feedback on whether a higher density is appropriate and, if so, which zone (R-1-12 or R-1-14) is preferable. No formal vote is requested at this stage, but your input will guide the applicant's next steps.
- Key considerations:
 - Compatibility with surrounding neighborhood character.
 - Impact on infrastructure and utilities.
 - Animal-keeping rights differ between RR-1 and R-1 zones.
 - Similar practices: Neighboring Aurora Heights subdivision uses R-1-10 zoning (10,000 sq. ft. lots), while Villa West mobile home park to the south has much higher density (6.96 units/acre).

Infrastructure & Utility Considerations

- **Water Supply:** Based on the West Jordan Water Master Plan, the City's contracted supply from JVWCD is 20,000 acre-ft/year, with an option to purchase up to 20% more (total 24,000 acre-ft/year). The proposed rezone would increase density modestly (from 1.15 units/acre to 1.72 or 2.30 units/acre), which is unlikely to strain water resources significantly.
- **Other Utilities:** Sewer and storm drainage impacts should be minimal given the small size of the parcel, but Council may wish to confirm alignment with the Sanitary Sewer Master Plan and Storm Drainage Master Plan.
- **Transportation:** Susan Way currently ends in a stub road; connectivity and traffic impacts may need review under the Transportation Master Plan.

Possible Scenarios & Key Tradeoffs

- **If approved:**
 - R-1-12 zoning could allow approximately 3 lots (12,000 sq. ft. each).
 - R-1-14 zoning could allow 2 lots (14,000 sq. ft. each).
- **Tradeoffs:**
 - **Neighborhood character:** Smaller lots may feel out of place among existing 40,000 sq. ft. lots.
 - **Property rights vs. community expectations:** Applicant seeks reasonable use of a remnant parcel; neighbors may prefer consistency with existing lot sizes.
 - **Animal-keeping rights:** RR-1 allows more flexibility for livestock; R-1 zones do not.

Potential Discussion Points & Questions

1. How does this proposal align with the General Plan's Very Low Density Residential designation?
2. What precedent might this set for other remnant parcels in similar neighborhoods?
3. Are there infrastructure concerns (water, sewer, traffic) that need further analysis before moving forward?
4. How have neighboring cities handled similar transitions from rural residential to smaller single-family lots?
5. Would maintaining RR-1 zoning create any long-term challenges for the property owner or City?

Applicable Guiding Principles from the General Plan

- **LAND USE:**
 - Land use decisions should protect existing neighborhoods and minimize impacts.
 - Developers bear the burden of proof for changes to the General Plan (though this proposal does not require a change).
- **HOUSING:**
 - Encourage a balanced variety of housing types for all life stages.
 - Place higher density near existing infrastructure (Susan Way stub may support this).
- **WATER USE AND PRESERVATION:**
 - Designs should maximize water conservation and follow the City's Water Conservancy and Drought Plan.
- **URBAN DESIGN:**
 - Support neighborhoods and developments of character.

9. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
4. Table the item indefinitely;
5. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

10. ATTACHMENTS

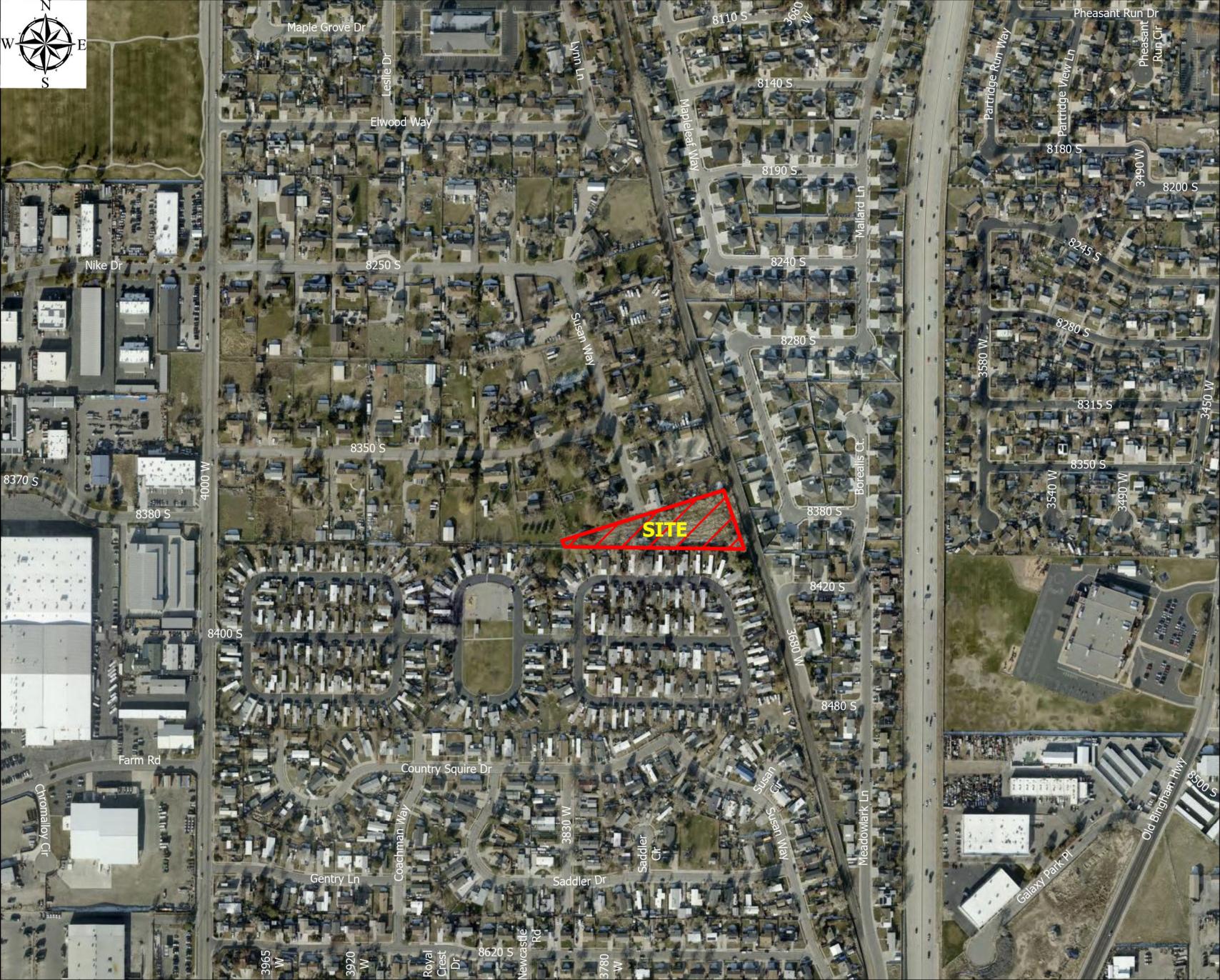
Exhibit A – Vicinity Map

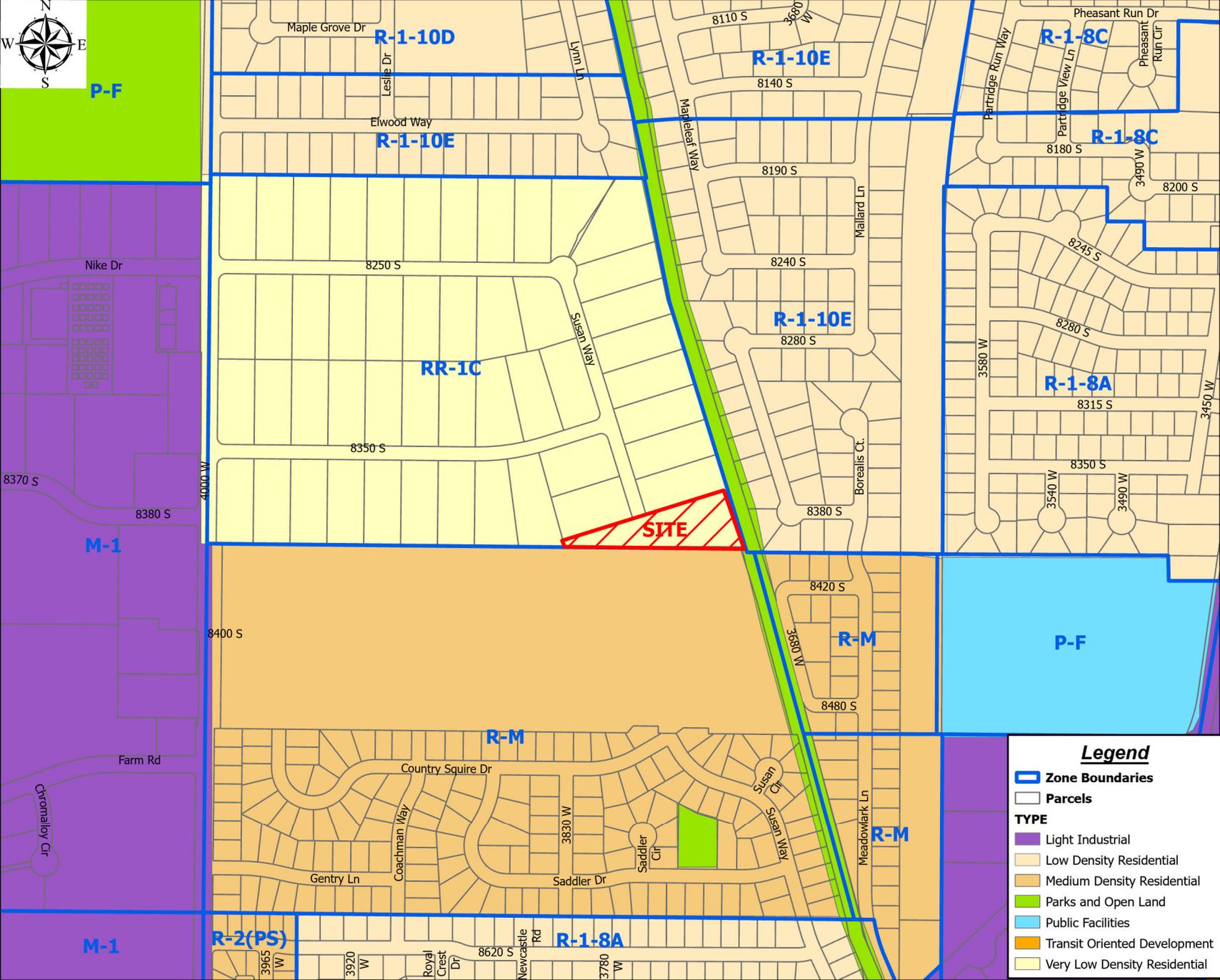
Exhibit B – Existing Zoning & Future Land Use Map

Exhibit C - R-1-12 Zone Concept

Exhibit D - R-1-14 Zone Concept

Exhibit E - RR-1 Zone Concept



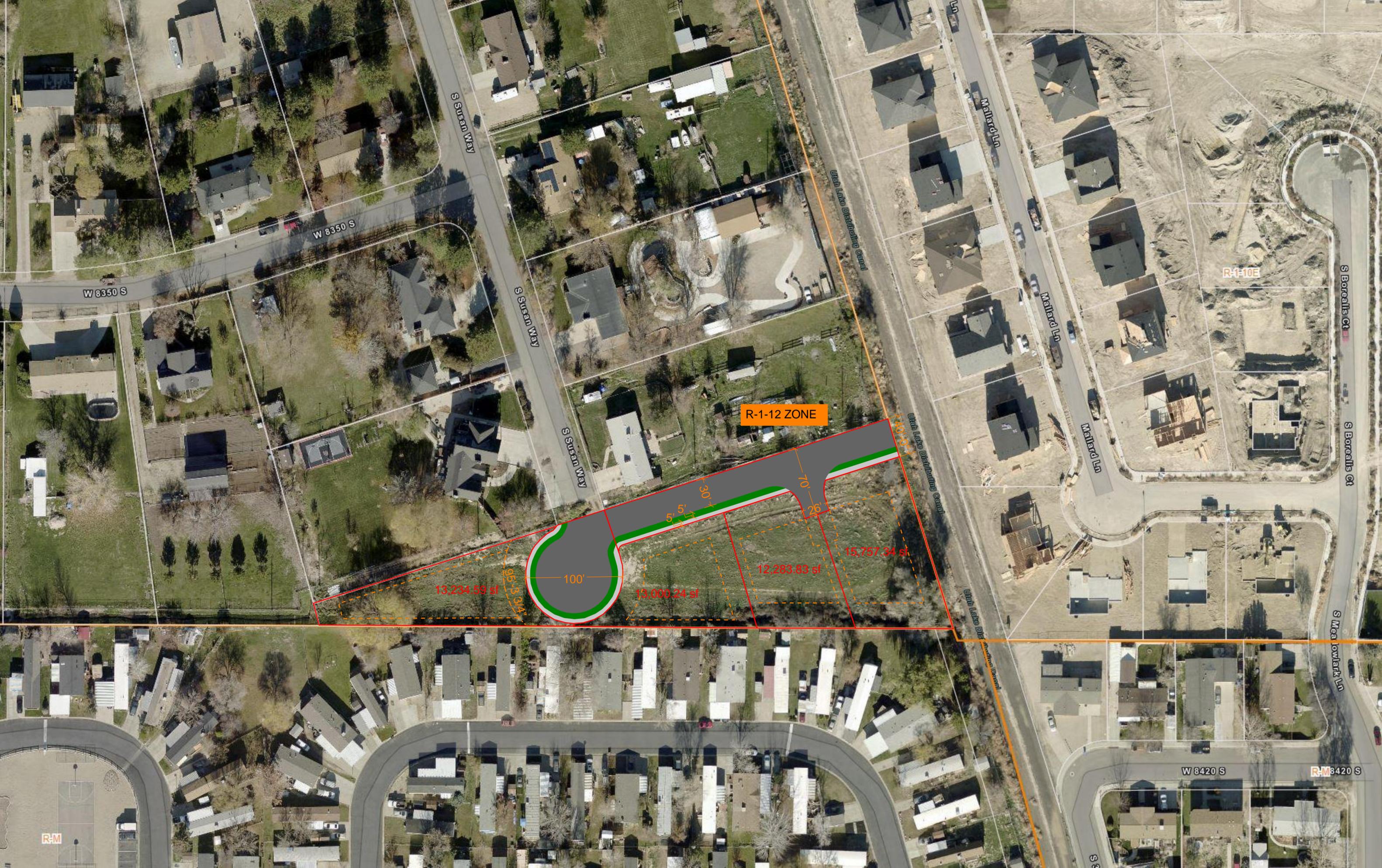


Legend

- Zone Boundaries
- Parcels

TYPE

- Light Industrial
- Low Density Residential
- Medium Density Residential
- Parks and Open Land
- Public Facilities
- Transit Oriented Development
- Very Low Density Residential



R-1-12 ZONE

W 8350 S

W 8350 S

S Susan Way

S Susan Way

S Susan Way

Mallard Ln

Mallard Ln

Mallard Ln

R-1-10E

S Borealis Ct

S Borealis Ct

S Mea lowark Ln

W 8420 S

W 8420 S

13,234.59 sf

95'-3 3/4"

100'

13,000.24 sf

5' 5"

30'

70'

26'

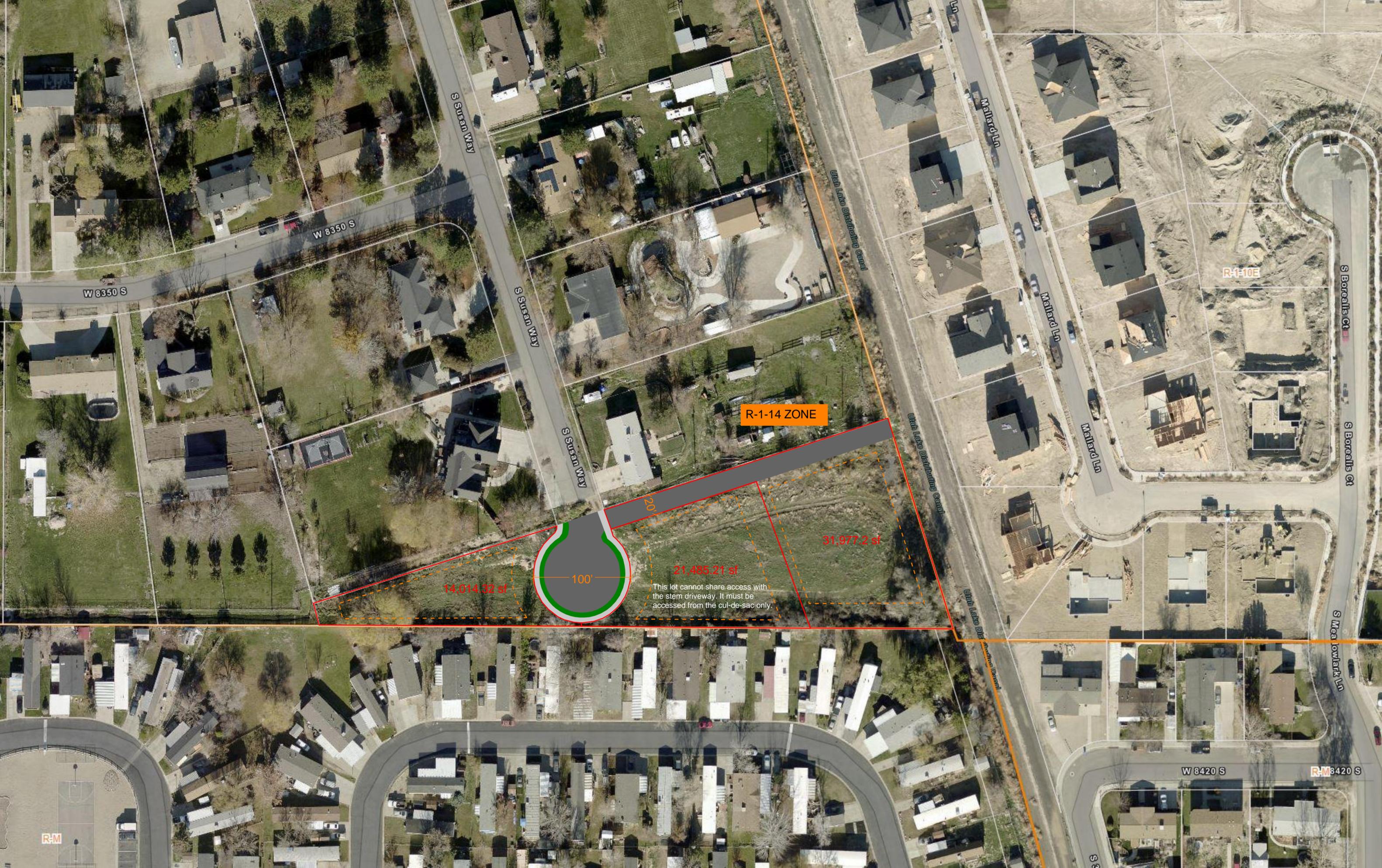
12,283.83 sf

15,757.34 sf

140'-0"

R-M

R-M



R-1-14 ZONE

14,014.32 sf

21,485.21 sf

31,977.2 sf

100'

20'

This lot cannot share access with the stem driveway. It must be accessed from the cul-de-sac only.

W 8350 S

W 8350 S

S Susan Way

S Susan Way

S Susan Way

Utah Lake Distributing Canal

Utah Lake Distributing Canal

Utah Lake Distributing Canal

Malarud Ln

Malarud Ln

Malarud Ln

W 8420 S

W 8420 S

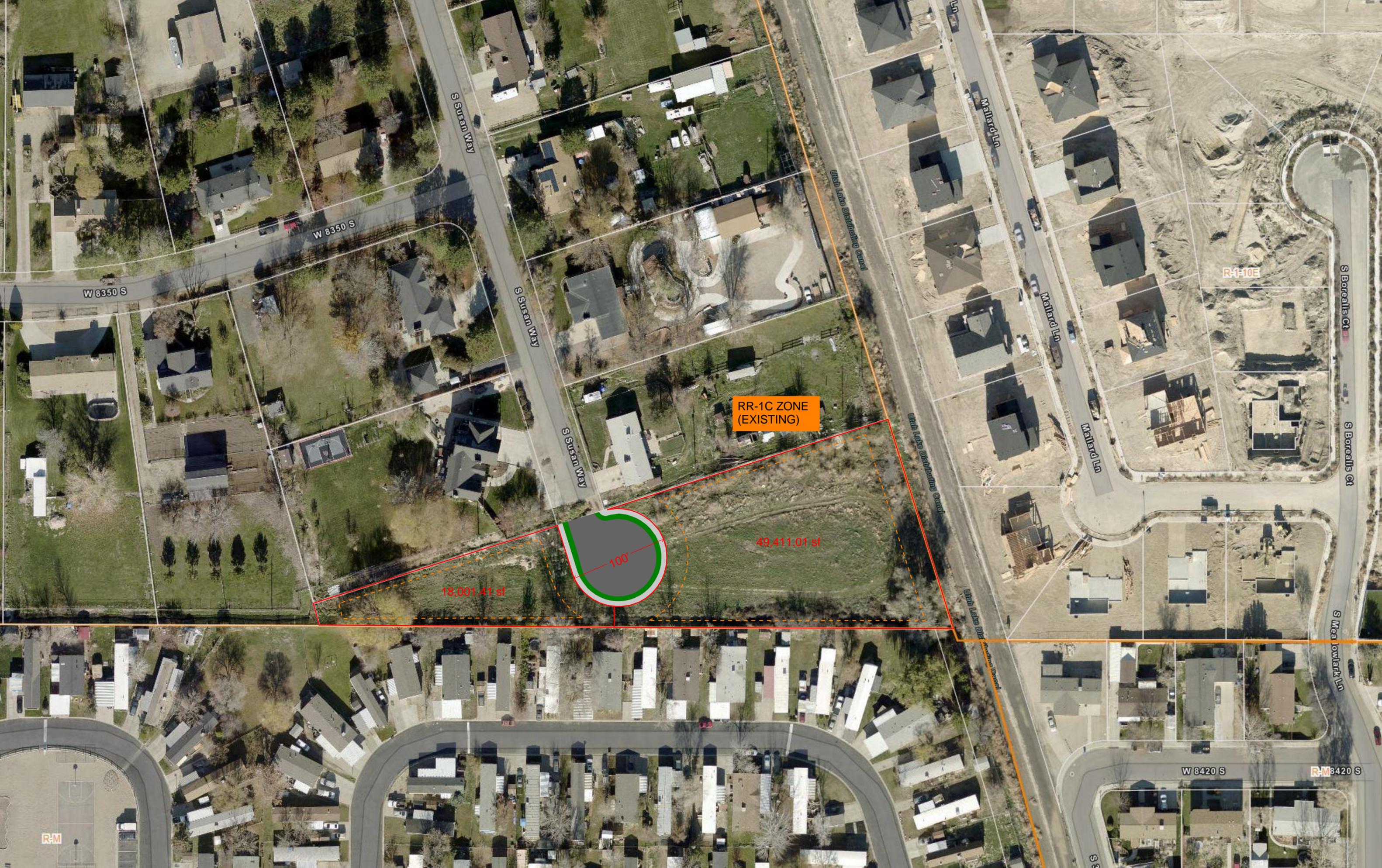
S Borealis Ct

S Borealis Ct

S Mea lowark Ln

R-M

R-1-10E



RR-1C ZONE
(EXISTING)

49,411.01 sf

18,001.41 sf

100

W 8350 S

W 8350 S

S Susan Way

S Susan Way

S Susan Way

Utah Lake Distributing Canal

Utah Lake Distributing Canal

Utah Lake Distributing Canal

Malard Ln

Malard Ln

Malard Ln

R-1-10E

S Borealis Ct

S Borealis Ct

S Mea lowark Ln

W 8420 S

R-M 8420 S

R-M



REQUEST FOR COUNCIL ACTION

Action: Request Feedback From Council	Meeting Date Requested : 02/10/2026
Presenter: Council Members Whitelock and Shelton	Deadline of item :
Applicant: Ivory Homes and Gardner Development	
Department Sponsor: Community Development	
Agenda Type: DISCUSSION TOPICS	
Presentation Time: 15 Minutes	<i>(Council may elect to provide more or less time)</i>

1. AGENDA SUBJECT

Discussion of Jones Southwest Quadrant - Rezone, Future Land Use Map Amendment, and Development Agreements Located at 7382 West New Bingham Highway

2. EXECUTIVE SUMMARY

The Council has discussed the southwest quadrant several times, most recently after receiving a proposal from Ivory Homes and Gardner Development with a revised concept plan on January 27, 2026.

This item is an opportunity for Council to continue discussions with staff.

3. MAYOR RECOMMENDATION

4. COUNCIL STAFF ANALYSIS

Timeline & Background Information

Council discussed a proposal in the [January 27, 2026 Committee of the Whole Meeting](#):

- Discussion Summary:
 - Council questioned the location of a proposed battery storage and requested a clear definition of hi-tech designation areas and the need to update the use table as well, if necessary.

Council discussed a proposal in the [November 18, 2025 Committee of the Whole Meeting](#):

- Discussion Summary:
 - Staff noted concerns about excessive residential development and insufficient economic development, as well as industrial uses proposed in poor locations. Council members expressed strong opposition to industrial west of Stokesley Drive and emphasized the need for more commercial and industrial uses rather than housing.
 - There were concerns about proposed densities (5 units per acre across 900 acres, totaling 4,500 units) and whether utilities could support that level of development. Members discussed defining maximum densities per pod, setbacks, and driveway standards, and stressed the importance of an Adequate Public Facilities (APF) review. Water availability and long-term resource allocation were highlighted as critical issues.

- The Council also discussed the need for trails, buffering between uses, and ensuring the highest and best use of remaining undeveloped land.

What You Need to Know – A Plain Language Summary

The Council's role at this stage is discussion only.

Council may wish to consider:

- How this area aligns with the General Plan and previously stated Council direction.
- Potential impacts on traffic and transportation systems, surrounding neighborhoods and infrastructure.
- Whether similar approaches have been adopted in neighboring cities (e.g., South Jordan, Riverton) for large mixed-use developments.

Applicable Guiding Principles from the General Plan

- **Land Use**
 - Land use decisions should protect existing neighborhoods and minimize impacts.
 - Developers bear the burden of proof for changes to the General Plan.
- **Housing**
 - Encourage a balanced variety of housing types for all life stages.
 - Place high-density projects near existing infrastructure.
- **Transportation**
 - Provide a safe and efficient multi-modal transportation system.
- **Water Use and Preservation**
 - Implement sustainable water use and landscaping principles.
- **Economic Development**
 - Attract and retain quality businesses that enhance quality of life.
 - Encourage planned commercial centers to reduce unnecessary vehicle trips.

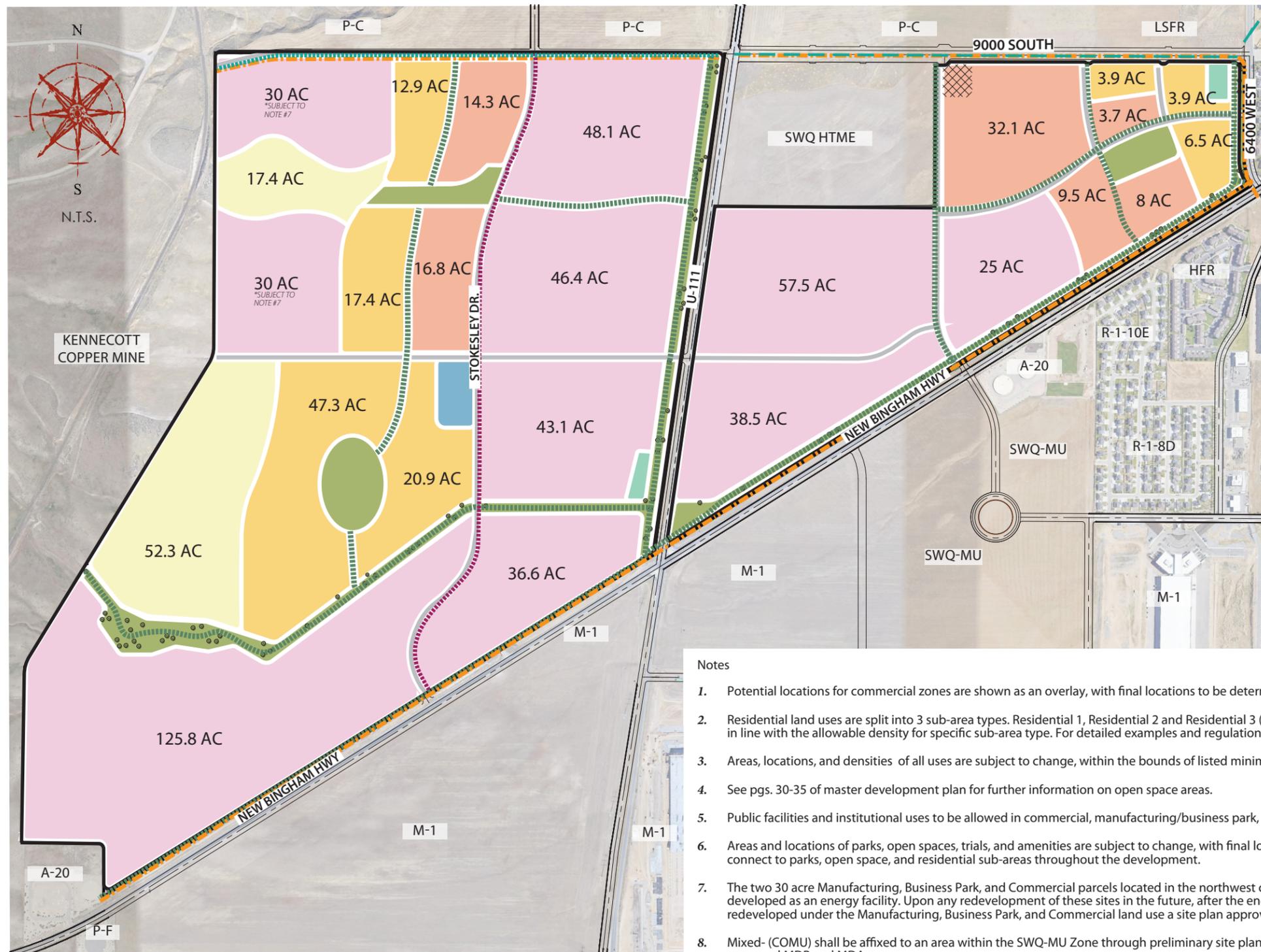
5. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
4. Table the item indefinitely;
5. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

6. ATTACHMENTS

MASTER BUBBLE PLAN



Tabulations

TOTAL ACREAGE	± 849 ACRES
TOTAL RESIDENTIAL ACREAGE	290 ACRES
TOTAL RESIDENTIAL DENSITY	15.5 DU/AC
MAX. ALLOWABLE RESIDENTIAL UNITS	4,500 UNITS

LEGEND	ACREAGE
COMMERCIAL/OFFICE MIXED-USE OVERLAY (COMU)	2 AC
MANUFACTURING, BUSINESS PARK, AND COMMERCIAL <i>required 425 acres minimum</i>	479 AC (56%)
COMMUNITY OPEN SPACE	20% of TOTAL RES. AREA
PUBLIC FACILITIES	10 AC
PONDS	—
RESIDENTIAL 1: (5 DU/AC MAX. DENSITY) low density; med. density -single-family and multi-family	70 AC (8%)
RESIDENTIAL 2: (15 DU/AC MAX. DENSITY) med. density; high density -single-family and multi-family	113 AC (13%)
RESIDENTIAL 3: (30 DU/AC MAX. DENSITY) high density; very high density -multi-family	84 AC (10%)

Trail Legend

PROPOSED 12' TRAIL	EXISTING 10' TRAIL
PROPOSED 10' TRAIL	BUFFERED BIKE LANE
PROPOSED 8' TRAIL	

Notes

- Potential locations for commercial zones are shown as an overlay, with final locations to be determined with sub-area plan submittal, based on commercial land use viability.
- Residential land uses are split into 3 sub-area types. Residential 1, Residential 2 and Residential 3 (see more details in the legend above). Each residential sub-area allows for a variety of housing types that are in line with the allowable density for specific sub-area type. For detailed examples and regulations for each sub-area see pages 12-20 in the MDP.
- Areas, locations, and densities of all uses are subject to change, within the bounds of listed minimum and maximum acreages. These changes will be approved with the sub-area plan submittal.
- See pgs. 30-35 of master development plan for further information on open space areas.
- Public facilities and institutional uses to be allowed in commercial, manufacturing/business park, and residential zones, with final locations to be determined at preliminary plat.
- Areas and locations of parks, open spaces, trails, and amenities are subject to change, with final locations to be determined at sub-area plan Submittal. All city open space requirements will be met. Trails will connect to parks, open space, and residential sub-areas throughout the development.
- The two 30 acre Manufacturing, Business Park, and Commercial parcels located in the northwest corner of the property shall adhere to the following rules and restrictions: The property shall be initially developed as an energy facility. Upon any redevelopment of these sites in the future, after the energy facility is no longer in service or the land lease for an energy facility is over, the property can be redeveloped under the Manufacturing, Business Park, and Commercial land use a site plan approval from the City Council or can be redeveloped under the land use designation of Residential 1.
- Mixed- (COMU) shall be affixed to an area within the SWQ-MU Zone through preliminary site plan or preliminary subdivision approval, follow all provisions of Title 13 and Title 14, and based on the approved MDP and MDA.
- Hi-tech manufacturing/employment (HTME) uses shall be affixed to an area within the SWQ-MU zone through preliminary site plan or preliminary subdivision approval, follow all provisions of Title 13 and Title 14, and based on the approved MDP and MDA.



REQUEST FOR COUNCIL ACTION

Action: Request Feedback from Council

Meeting Date Requested : 02/10/2026

Presenter: Patrick S Boice, Senior Assistant City Attorney

Deadline of item :

Applicant:

Department Sponsor: City Attorney's Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 10 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of Proposed Amendments to City Code – Title 1, Chapter 12 – Employee Appeal Process

2. EXECUTIVE SUMMARY

The Council is being asked to consider revisions to Title 1, Chapter 12 of the West Jordan City Code. This particular chapter deals with the employee appeal process. In particular, changes are needed to correct admission of evidence during hearings, the burden of proof standards, references to proper sections of the State Code, and other stylistic changes which the Council has made throughout the code to increase readability. These changes are necessary to ensure that the City is properly protected in employment proceedings.

3. TIME SENSITIVITY / URGENCY

The sooner the better. There are problematic sections currently in the Code.

4. FISCAL NOTE

None

5. MAYOR RECOMMENDATION

6. COUNCIL STAFF ANALYSIS

What You Need to Know – A Plain Language Summary

The Council is being asked to review and provide feedback on proposed amendments to Title 1, Chapter 12 of the West Jordan City Code, which governs the employee appeal process. These changes aim to:

- Correct issues related to admission of evidence during hearings.
- Clarify burden of proof standards.
- Update references to Utah State Code for accuracy.
- Improve readability and consistency across the City Code.

The Council's role is advisory and decision-making: members may wish to consider whether these revisions adequately protect the City in employment proceedings while maintaining fairness for employees.

Why now? Current code sections contain problematic language that could expose the City to risk in legal or administrative proceedings. Addressing these issues promptly may help prevent future disputes.

Compliance: The proposed changes appear intended to align with Utah State Code and best practices for municipal employment processes. Neighboring cities such as Sandy and South Jordan maintain similar appeal frameworks emphasizing clarity and procedural fairness.

Possible Scenarios & Key Tradeoffs

If approved, the amendments would:

- Provide clearer standards for hearings, reducing ambiguity for both employees and hearing officers.
- Potentially shorten appeal timelines by clarifying evidence rules.
- Improve legal defensibility of City decisions.

If not approved:

- Existing language may continue to create confusion or legal exposure.
- Employees and staff may face inconsistent interpretations of appeal procedures.

Tradeoff: While revisions improve clarity, they may also require training for HR staff and hearing officers to ensure consistent application.

Potential Discussion Points & Questions

1. How do these proposed changes compare to Utah State Code requirements for municipal employee appeals?
2. Will the revisions affect employee rights or due process in any significant way?
3. Are there any recent cases or disputes that highlight the need for these changes?
4. What steps will be taken to train staff and hearing officers on the updated procedures?
5. Could the Council consider periodic reviews of the appeal process to maintain compliance and fairness?

7. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
4. Table the item indefinitely;
5. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

8. ATTACHMENTS

Title 1, Chapter 12 – Employee Discipline (legislative copy)

1 TITLE 1

2 CHAPTER 12

3 EMPLOYEE DISCIPLINE HEARING OFFICER

4 SECTION:

5 1-12-1: Employee Discipline Hearing Officer

6 1-12-2: Who May Appeal To The Employee Discipline Hearing Officer

7 1-12-3: Manner Of Appeal

8 1-12-4: Hearing - General Procedures

9 1-12-5: Evidence To Be Considered By The Employee Discipline Hearing Officer

10 1-12-6: Decisions And Burden Of Proof

11 1-12-7: No Additional Rights Created

12

13 1-12-1: EMPLOYEE DISCIPLINE HEARING OFFICER:

14 A. ~~The mayor shall appoint an employee discipline hearing officer ("hearing officer") to~~
15 ~~comply with the requirements of Utah Code Annotated section 10-3-1106, or its successor~~
16 ~~provision.~~

17 ~~—B. The hearing officer shall be:~~

18 ~~—1. Selected as a professional services provider through the requirements of section 3-1-~~
19 ~~8(B) of the city procurement code;~~

20 ~~—2. An independent contractor; and~~

21 ~~—3. Recommended to the mayor by a selection committee consisting of the city~~
22 ~~administrator or designee, a representative of the human resources division, and any other~~
23 ~~party the city administrator and human resources representative deem appropriate. An~~
24 administrative law judge, as identified in title 16, shall serve as the employee discipline
25 hearing officer ("hearing officer"). (Ord. 20-23, 7-29-2020; amd. Ord. 21-04, 2-10-2021)

26

27 1-12-2: WHO MAY APPEAL TO THE EMPLOYEE DISCIPLINE HEARING OFFICER:

28 A. Employees, except those listed in ~~subsection C~~ Utah Cide section 10-3-1105(2) or its
29 successor provision, may appeal a termination, suspension of more than two ~~(2)~~ days
30 without pay, or involuntary transfer to a position with less remuneration that is imposed
31 for a disciplinary reason.

32 B. Employees may not appeal:

33 1. ~~Any d~~Disciplinary actions ~~s other than those not~~ listed in subsection A, including, but
34 not limited to, verbal and written warnings; or

35 2. Employee separations, furloughs, or involuntary transfers to a position with less
36 remuneration resulting from a reorganization, reduction in force, or an other non-
37 disciplinary reason.

38 ~~—C. The following employees are not entitled nor permitted to appeal:~~

39 ~~—1. Employees listed in Utah Code Annotated section 10-3-1105(2) or its successor~~
40 ~~provision; and~~

41 ~~—2. Any at-will employee not listed in Utah Code Annotated section 10-3-1105(2).~~

42 DC. An employee must timely exhaust all internal grievance procedures before appealing
43 to the hearing officer under this chapter. (Ord. 20-23, 7-29-2020)

44
45 1-12-3: MANNER OF APPEAL:

46 A. An employee shall file a written notice of appeal with the city recorder within ~~ten (10)~~
47 calendar days from the date the employee receives notice of the final disposition of the
48 grievance ~~of the termination, suspension of more than two (2) days without pay, or~~
49 ~~involuntary transfer to a position with less remuneration.~~

50 B. The notice of appeal must include:

51 1. The reasons why the appellant believes the city's decision was in error;

52 2. ~~A~~ The appellant's phone number; ~~and~~

53 3. ~~€~~ The mailing or e-mail address to be used for further official communication with the
54 appellant; and

55 34. An indication of the appellant's choice as to whether the appeal hearing will be
56 open to the public; and

57 5. The appellant's signature .

58 C. An employee who fails to timely file a complete notice of appeal shall forfeit all appeal
59 rights.

60 D. Upon the filing of a notice of appeal, the city recorder shall refer the notice of appeal to
61 the city administrator, ~~director of~~ human resources manager, city attorney's office, and, ~~if~~
62 ~~known~~, the hearing officer .

63 E. ~~No later than~~ Within ~~ten (10)~~ calendar days following receipt of the notice of appeal
64 the hearing officer shall:

65 1. Schedule a hearing to take and receive evidence and fully hear ~~and determine~~ the
66 matter ~~which relates to the reason for the discharge, suspension, or transfer no sooner than~~

67 ~~thirty (30) days and no later than sixty (60) calendar days after the notice of appeal was~~
68 ~~filed, unless the appellant and city agree to a later date in writing;~~ and

69 2. Provide written notice of the date, time, and place of the hearing to:

70 a. The appellant and appellant's council, if any, to the mailing or e-mail address listed
71 in the notice of appeal;

72 b. The ~~appellant's counsel~~ city administrator, if any;

73 c. The city attorney's ~~office~~; and

74 d. The city's human resources ~~division~~ manager.

75 ~~Notice to the appellant and appellant's council, if any, shall be in writing sent to the~~
76 ~~mailing or e-mail address listed in the notice of appeal. Notice to the city attorney's office~~
77 ~~and city's human resources division shall be provided in writing sent to the general mailing~~
78 ~~or e-mail address listed on the city's website for each department.~~ (Ord. 20-23, 7-29-2020;
79 amd. Ord. 21-04, 2-10-2021)

80

81 1-12-4: HEARING - GENERAL PROCEDURES:

82 ~~A. The hearing officer shall conduct the hearing in accordance with this chapter.~~

83 BA. The appellant may:

84 1. Appear in person and be represented by counsel;

85 2. Have a hearing open to the public, ~~if appellant so desires~~;

86 3. Confront the witnesses whose testimony is to be considered; and

87 4. Examine the evidence to be considered by the hearing officer .

88 ~~C~~B. The hearing officer has no subpoena or contempt power.

89 CD. The hearing officer may:

90 1. ~~hold~~ Hold scheduling conferences and issue scheduling orders;

91 2. ~~enter~~ Enter orders regarding procedural issues; ~~and~~

92 3. ~~entertain~~ Entertain and rule on motions challenging the hearing officer's
93 jurisdiction over the appeal;

94 4. Rule on the introduction of evidence and exclude evidence; ~~and~~

95 5. Exclude witnesses from the hearing who have not yet testified.

96 ~~E. The hearing officer may rule on the introduction of evidence and exclude evidence.~~

97 ~~F. The hearing officer may exclude witnesses from the hearing who have not yet testified.~~

98 ~~G~~D. Hearings shall be conducted with formality and decorum to protect all parties' due
99 process rights.

100 ~~E~~H. Utah Rules of Evidence and Rules of Civil Procedure shall be used as guidelines but
101 need not be strictly followed or applied at the discretion of the employee discipline hearing
102 officer .

103 ~~I~~F. ~~Hearings-~~The hearing officer shall afford ~~to~~ all parties the opportunity to present
104 evidence, argue, respond, conduct cross-examination, and submit rebuttal evidence.

105 ~~G~~J. The hearing officer may order the removal ~~remove of~~ any disorderly person ~~during~~
106 from the hearing.

107 H. The hearing officer shall keep a complete record and audio or video recording of the
108 proceedings.

109 (Ord. 20-23, 7-29-2020)

110
111 1-12-5: EVIDENCE TO BE CONSIDERED BY THE EMPLOYEE DISCIPLINE HEARING
112 OFFICER:

113 A. No later than ~~twenty (20)~~ calendar days before the date of the appeal hearing set by
114 the hearing ~~officer, officer,~~ the city shall provide the appellant and employee discipline
115 hearing officer:

116 1. A complete copy of the record relied upon by the city for the disciplinary action,
117 ~~which shall include~~ including: all documents the city relied on in its discipline decision; and
118 a complete witness list.

119 ~~— a. All documents the city relied on in its discipline decision; and~~

120 ~~— b. All documents regarding similarly situated employees within the department with~~
121 ~~similar discipline.~~

122 ~~— 2. A complete witness list.~~

123 B. No later than ~~ten (10)~~ days before the date of the appeal hearing, the appellant must
124 provide the city and the hearing officer with:

125 1. All evidence (other than the record the city ~~submitted by the city~~) that the appellant
126 intends to introduce; and.

127 2. A complete witness list.

128 C. The hearing officer shall exclude:

129 1. ~~Exclude~~ Evidence that is not timely submitted ~~as provided in this section, other~~
130 ~~than witness testimony.~~

131 2. ~~Not hear the~~The testimony of witnesses not timely included on a ~~timely submitted~~
132 witness list ~~as provided in this section~~, except for rebuttal witnesses. (Ord. 20-23, 7-29-
133 2020)

134
135 1-12-6: DECISIONS AND BURDEN OF PROOF:

136 A. ~~The standard of review for all appeals is "substantial evidence." The appellant shall~~
137 ~~bear the burden of proof in the appeal hearing. In order for the hearing officer to overturn~~
138 ~~imposed discipline, the appellant must show: "Substantial evidence" is that quantum and~~
139 ~~quality of relevant evidence that would convince a reasonable person to support a~~
140 ~~conclusion.~~

141 ~~B.—1. The city must prove that~~That the discipline ~~it imposed~~ is not supported by
142 substantial evidence.;

143 ~~—1. The hearing officer shall uphold the city's disciplinary action if he finds it was~~
144 ~~supported by "substantial evidence."~~

145 ~~—2. The hearing officer shall overturn the city's disciplinary action if he finds it was not~~
146 ~~supported by "substantial evidence."~~

147 ~~B.~~ "Substantial evidence" means relevant, credible information that a reasonable mind
148 might accept as adequate to support a conclusion. It is more than a mere scintilla but may
149 be less than a preponderance of the evidence. This standard requires enough evidence to
150 justify a decision without resorting to speculation.

151 C. The hearing officer can only sustain or overturn a decision. If the hearing officer
152 overturns the city's action, the written decision shall provide that the city shall compensate
153 the appellant as required ~~by~~under Utah Code ~~Annotated~~ section 10-3-1106(5)(b); or its
154 successor provision.

155 D. ~~No later than 15 calendar days after the hearing, the hearing officer's decision shall~~
156 ~~certify a written decision to the city recorder and provide notice of the decision to~~
157 ~~appellant and appellant's counsel, if any, the city administrator, the city attorney, and the~~
158 ~~human resources manager. ;~~

159 ~~—1. Be in writing;~~

160 ~~—2. Adopt findings of fact;~~

161 ~~—3. Make conclusions of law that support the written decision; and~~

162 ~~—4. Be certified to the city recorder within fifteen (15) days of the date of the hearing.~~

163 ~~—a.~~ For good cause, the hearing officer may extend the ~~fifteen (15)~~ day period to a
164 maximum of ~~sixty (60)~~ calendar days if the appellant and the city both consent.

165 ~~E. The hearing officer shall keep a complete record and audio or video recording of the~~
166 ~~proceedings.~~

167 ~~F~~E. The hearing officer's decision is the final administrative decision of the city and is
168 reviewable by the Utah Court of Appeals by filing a petition for review within thirty (30)
169 days after the hearing officer has issued the decision The appellant may appeal the hearing
170 officer's decision in accordance with Utah Code section 10-3-1106(6) or its successor
171 provision.

172 ~~—G.— The Court of Appeals review shall be under Utah Code Annotated section 10-3-~~
173 ~~1106(6)(c), or its successor provision.~~ (Ord. 20-23, 7-29-2020)

174

175 1-12-7: NO ADDITIONAL RIGHTS CREATED:

176 This chapter ~~is not intended and~~ shall not be interpreted to create any interest or right in
177 employment or employment benefits. The city undertakes no additional obligations beyond
178 those required by state and federal law . (Ord. 20-23, 7-29-2020)