

REQUEST FOR COUNCIL ACTION

SUBJECT: Discussion and possible action regarding Resolution 15- **33**, authorizing staff to place on the November 2015 Municipal General Election, the issue to change the form of government to a Council-Mayor form [Councilmember Haaga]

BACKGROUND DISCUSSION:

In 2014, this City Council was asked to consider this action and there were many good comments that were discussed and proposed. One was that there should be more education of this form of government, and that City Council has had proper time to debate the proposed question.

The resolution in 2014 was defeated, which precipitated an initiative with sponsors and the creation of the Political Issue Committee PIC registered with the Lieutenant Governor's office as per Utah Code 20A-11-802. The applicants have asked before completion of the initiative process that it be allowed to have the West Jordan City Council have one more opportunity to be involved in the process. According to State Law an entity or groups opposing the question would also have to register, or create a Political Issue Committee to conform to State and City Law. If the Council becomes the initiator of the ballot question, the Council body can then be both the proposing group and opposing group. Otherwise, the Council would need to remain neutral and any sitting members unless they form a legal PIC cannot campaign as a opponent. The applicants seek the desire to have public debate and that it will be said that the process was fair and representative of both sides of the issue. The City Council has more authority directing the debate if as body the question is enacted.

The sponsor of this resolution, to that end, would hope that this Council body recognizes the importance of this to the residents. I would hope that we recognize as our fore fathers and mothers when faced with oppression made this declaration.

Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.-- That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Therefore, consent of the people is all this resolution enacts. Some might be running for municipal office again this year and asking the same for the "consent of the governed." It is how we choose are leaders in our Republic and we should allow our resident to choose the form of government they would be governed.

MOTION RECOMMENDED:

"I move to approve Resolution 15- **33** authorizing staff to place on the November 2015 Municipal General Election, the issue to change the form of government to a Council-Mayor form."

Roll Call vote required

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SUPPORTING DOCUMENT

Council–Mayor Form Of Government

The Council-Mayor Form of municipal government was created by the Laws of Utah 1977, Chapter 48. It still is a form of government that most of Utah First and Second class cities are govern. Sandy, Ogden, Salt Lake City, Murray, Salt Lake County and more. This form of government may not be adopted by a city or town without voter approval. A city or town does not have this form of government unless it has held an election at some time to choose this form.

This form has two separate, independent, and equal branches of municipal government consisting of a legislative branch—a council composed of seven members; and an executive branch--the mayor and, under the mayor's supervision, any executive or administrative departments, divisions, and offices and any executive or administrative officers provided for by statute or municipal ordinance.

The mayor in a city or town operating under the council-mayor form of government is the chief executive and administrative officer. He or she exercises the executive and administrative powers and performs of the municipality. The mayor has the responsibility to execute the policies adopted by the council. The Mayor appoints, with the council's advice and consent, qualified persons to the city or town's officers and positions including such things as city administrator, recorder and treasurer.

State Law clearly defines the duties of the Mayor and the City Council body and if passed give clear direction on each power of the equal branches.

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

RESOLUTION NO. 15-33

A RESOLUTION OF THE CITY OF WEST JORDAN AUTHORIZING A BALLOT MEASURE TO CHANGE THE FORM OF GOVERNMENT TO A COUNCIL-MAYOR FORM, WITH SEVEN-MEMBER COUNCIL, AND APPROVE BALLOT LANGUAGE TO BE INCLUDED ON THE BALLOT IN THE NOVEMBER 2015 GENERAL ELECTION

WHEREAS, the GOVERNING BODY OF A Utah municipality may exercise administrative power by resolution, pursuant to Utah State Code Ann. 10-3-717; and

WHEREAS, the City of West Jordan has the Council/Manager Form of Government that in 2008 was eliminated as a form of government by Utah State Legislators, but grandfathered cities still operating under this form, Utah State Code Ann. 10-3b-502-(b)A; and

WHEREAS, the changing of this form of government, to a government for recommended by State legislators requires a vote of the residents of the city, Utah State Code Ann. 10-3b-502 A; and

WHEREAS the City Council body has the authority to place the question on the ballot, or a resident initiative process as prescribed in State Law; and

WHEREAS, if approved by the voters, the Form of Government would take effect January 2018; and

WHEREAS, the State law requires the Mayor with advice and consent of the City Council, appoint qualified persons to the city offices and positions including such things as City Administrator, Recorder/Clerk, and Treasurer; and

WHEREAS, the State law requires City Council to conduct public hearings and education of the proposed question placed on the ballot,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. That it is the official administrative policy and position to place on the 2015 General Municipal Election the question:

“Shall the City of West Jordan, Utah change its form of government to the Council-Mayor form, with a seven-member council?”

Yes
No

Section 2. This Resolution shall take effect immediately upon passage.

Adopted by the City Council of West Jordan, Utah, this 25th day of February 2015

KIM V. ROLFE
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC
City Clerk

Voting by the City Council	"AYE"	"NAY"
Council Member Jeff Haaga	_____	_____
Council Member Judy Hansen	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Ben Southworth	_____	_____
Council Member Justin D. Stoker	_____	_____
Mayor Kim V. Rolfe	_____	_____