

## REQUEST FOR COUNCIL ACTION

### SUBJECT:

Proposed amendments to Title 1, Chapter 7, 2009 City Code, dealing with City government operations.

### SUMMARY:

Councilmember Nichols was concerned about possible conflicts between and among the 2009 City Code, the Utah Code (as it last existed in 2007) and Council Rules. Changes are proposed to comply expressly and completely with the 2007 Utah Code language.

Proposed changes to Council Rules to conform with best practices are also provided.

### FISCAL IMPACT:

No fiscal impact.

### STAFF RECOMMENDATION:

Staff recommends adoption of the proposed changes.

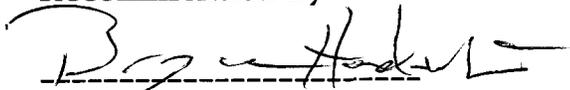
### MOTIONS RECOMMENDED:

"I move that the City Council adopt and approve Ordinance 15-21, amending Title 1, Chapter 7, 2009 City Code, dealing with City Administration and Government, all as provided in the Ordinance attached to the Request for Council Action."

"I move that the City Council adopt and approve Resolution 15-162 amending the City Council Rules, all as provided in the Resolution attached."

Roll Call Vote  required.  not required.

### Recommended By



Bryce Haderlie  
Interim City Manager

### Reviewed by:



Robert Thorup  
Deputy City Attorney

## **“Conflict” with the 2007 Utah Code**

Some confusion existed on August 12, 2015 over the use of the 2007 Utah Code references in this Staff Report. The 2007 Utah Code was the last time Utah Code provisions governing the Council-Manager form of city government were published. In 2008 the Council-Manager form of government was removed as an optional form of government for cities in Utah. In all other respects other than form of government, the City is governed by the Utah Code as it now exists. Therefore, as to form of government issues, the proper citation is to the 2007 Utah Code.

There was no glaring conflict between the 2009 City Code and the 2007 Utah Code that was apparent to Staff. In Staff’s view, the City Code attempts to put “meat” on the State Code’s “bones”, but in a consistent and non-conflicting way. However Councilmember Nichols has suggested that we adhere strictly and completely with the 2007 Utah Code to eliminate as many conflicts or ambiguities as possible. This approach is reflected in the attached Ordinance and Legislative.

There remains a practical conflict that has arisen over time. In section 10-3-1223 in the 2007 Utah Code the Mayor is empowered to sign, among other things, “contracts and written obligations of the city.” (Contracts and written obligations are essentially the same thing.) This authority is carried over in 2009 City Code Section 1-7B-2 A 3 almost *verbatim*, although the parenthetical “(where required by law to effectuate city purchases)” precedes “contracts and written obligations.” (Section 1-7B-2 is proposed to be changed to comport completely and expressly with Section 10-3-1223 of the 2007 Utah Code.) In practice the Mayor signs all manner of contracts. Some are the result of council action directing the Mayor to sign. Others are simply brought to the Mayor and he signs them.

There is no problem, legal or practical, with the Mayor’s authority to sign any other item specified in Section 10-3-1223, 2007 Utah Code and Section 1-7B-2, 2009 City Code. Only the general concept of “contracts” brings ambiguity.

Section 10-3-1226(12) in the 2007 Utah Code provides as to the City Manager: “[the City Manager shall] discharge any other duties specified by statute or imposed by the council.” Over time, the City Council has relied on Section 10-3-1226(12) to add 17 “other duties” to the City Manager over and above the 11 duties specified in Section 10-3-1226 of the 2007 Utah Code. One of the additional duties given to the City Manager is : “Q. [the City Manager shall] Execute such contracts as are necessary for the good order and functioning of the city, provided the expenditures related to a contract are within budgeted appropriations approved by the city council.” In practice the City Manager signs contracts that are brought to him. There is no difference in substance or quality between many of the contracts signed by the Mayor and those signed by the City Manager. The only determining factor is whether the City Staff person decides to give the contract to the Mayor or to the City Manager.

Staff makes one other observation: Once the City Council approves the budget, then contracts effectuating that budget arguably do not need another City Council

approval. It appears from time to time that the Council' s consent calendar is clogged with all manner of agreements that arguably do not require the Council's time and attention a second time.

If the Council concludes to maintain the prior City Council decision to give the City Manager contract signing authority, what is needed is a demarcation line between the contracts to be signed by the Mayor and those to be signed by the City Manager or a department head. The proposed changes provide this demarcation line by specifying the contracts to be signed by the Mayor and delegating to the City Manager signing authority on all other contracts. The proposals also empower department heads to sign contracts within their subject matter administration and within dollar limits prescribed by the City Manager. Of course, the City Council could choose to eliminate the City Manager's signing authority completely and require all contracts of whatever size or type to be signed by the Mayor.

### **Resolution to Change Council Rules**

During the process of the examining the City Code, the 2007 Utah Code and City Council Rules for conflicts, some provisions of the City Council Rules were identified as conflicting with current practice, and others were found to contain redundant and ambiguous double coverage of the same concept. In no case was the clear decision of the City Council changed; rather ambiguities and clarifications are proposed to enhance the original main decisions in the Rules.

Rule C13 is proposed to be amended to clarify existing practice to protect the record of a City Council meeting against a charge of arbitrary action. These changes are based on training provided to the City Council a couple of years ago by City legal staff and David Church, appearing on behalf of the League of Cities and Towns.

**THE CITY OF WEST JORDAN, UTAH**  
A Municipal Corporation

ORDINANCE NO. 15-21  
[MAYOR AND COUNCIL DUTIES]

AN ORDINANCE AMENDING TITLE 1, "ADMINISTRATION."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 1, Chapters 6 and 7 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

**Section 1.** Title 1, Chapter 6, Section 6 of the 2009 City Code shall be deleted and designated as Reserved.

**Section 2.** Title 1, Chapter 7, Article B, Section 2 of the 2009 City Code shall hereafter read as follows:

**1-7B-2: MAYORAL DUTIES:**

A. Functions: The mayor is a full time position requiring at least forty (40) hours of service to the city each week, although such service may be performed before, during and/or after the city's normal business hours. By way of example and not limitation, except as otherwise expressly provided, the mayor shall:

1. Preside at all meetings of the city council and shall have a vote in all council proceedings.

2. Execute, on behalf of the city, all bonds, notes, contracts and written obligations of the city: provided that in the event of his/her inability to act, by the councilmember that the council shall designate to act as mayor during his/her absence or disability.

3. a. Shall be the chief ceremonial officer of the city and shall represent the city in all its external relationships. This means to attend and, if appropriate, officiate at ceremonial activities of the city, which events include, but are not limited to, national, state and local holiday celebrations, city sponsored events, public and business groundbreaking and ribbon cuttings, public and business open houses, public receptions and other civic and religious ceremonial activities where official city representation is needed or sought. Participation in religious activities should not suggest any city endorsement of such religion and such participation shall be widely shared with any and all religious organizations who request such participation ;

b. Attend and represent the city in all its external relationships with the state agencies and legislature; the county council and departments; other political subdivisions; civic, social and fraternal organizations, including, but not limited to, one or more associations of cities and/or other local governments; and appointed boards, committees, councils and commissions, as provided by law or to which an official, nontechnical representative from the city is sought or needed; provided that membership on boards, committees, councils and commissions should be offered to other interested members of the city council who will act as the city's representative. In all external relationships, the mayor shall coordinate closely with and shall follow the lead of the city manager and/or the city manager's retained government relations advisor; and

c. Be a spokesperson for the city council, provided that when the mayor acts as spokesperson for the city council, the mayor should reflect the policy position of the expressed majority of the city council. Otherwise, in the absence of an expressed majority city council policy position, or when the mayor is speaking as a private citizen or as an individual member of the city council, the mayor shall clearly identify that limited capacity.

4. The powers and duties of the mayor shall be only those conferred upon him by this section 1-7B-2, and in compliance with section 10-3-1223 Utah code (2007).

B. No Administrative/Executive Duties: The mayor shall have no administrative or executive powers or duties. The mayor may provide citizens with names and phone numbers or e-mail addresses into specific departments of city government for assistance with citizen questions, but the mayor may not direct the city staff as to the solution or action responding to any such concern. Any issue raised by citizens or the city council concerning the level or appropriateness of city responses or services shall be discussed with the city manager and not directly with any subordinate employee.

C. Contract/Written Obligation Signing: For purposes of defining the terms "contracts and other written obligations" with respect to the mayor's signing authority, the mayor shall sign only the following contracts/obligations:

1. Interlocal Agreements, following approval of the city council in a public meeting, if the agreement:

- a. requires the city to adjust its budget for a current or future fiscal year;
- b. includes an out-of-state public agency as a party;
- c. provides for the public agency to acquire or construct:
  - (1) a facility; or
  - (2) an improvement to real property;
- d. provides for the public agency to acquire or transfer title to real property by deed;
- e. provides for the public agency to issue bonds;
- f. creates an interlocal entity;
- g. provides for the public agency to share taxes or other revenues.

2. Such other contracts/agreements as may be required by law to be approved by the city council, including but not limited to contracts/agreements which:

- a. requires the city to adjust its budget for a current or future fiscal year;
- b. includes an out-of-state public agency as a party;
- c. provides for the public agency to acquire or construct:
  - (1) a facility; or
  - (2) an improvement to real property;
- d. provides for the city to acquire or transfer title to real property by deed; or
- e. provides for the city to share taxes or other revenues.

3. All ordinances and resolutions adopted by the city council. (2001 Code § 2-4-402; amd. 2009 Code; Ord. 09-13, 4-14-2009; Ord. 13-24, 7-31-2013; Ord. 15-21, 08-25-2015)

**Section 3.** Title 1, Chapter 7, Article C, Section 2 of the 2009 City Code shall hereafter read as follows:

**1-7C-2: DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS:**

- A. General Duties: Each director shall perform all duties required of the office by state law, this code, other ordinances of the city, and such other duties not in conflict with law as may be required by the city manager.
- B. Specific Duties: The directors and department heads, subject to the direction and control of the city manager, shall:
  - 1. Be immediately responsible to the city manager for the effective administration of their respective departments and all activities assigned to their departments.
  - 2. With the approval of the city manager, develop and maintain an up to date departmental policies and procedures manual containing policies, procedures and instructions for carrying out departmental operations in conformity with law and other city policies and in the most efficient and effective manner possible.
  - 3. Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the city manager, such new practices as appear to be of benefit to the administrative service and to the public.
  - 4. Submit, at least monthly, in a form prescribed by the city manager, together with year to date data and annual reports of the activities of his department to the city manager.
  - 5. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city manager.
  - 6. Have power, when authorized by the city manager, to appoint and remove, subject to personnel rules and regulations, all subordinates under him/her.
  - 7. Exercise authority over all subordinates.
  - 8. Be responsible for the proper maintenance, care and inventory of all city property and equipment used in his department.
  - 9. Designate, with the approval of the city manager, an assistant director or acting director to perform such duties as are assigned during his/her absence or inability to act.
  - 10. With the approval of the city manager, prepare and prescribe rules and regulations, not inconsistent with general law or this title, as the director or department head deems necessary to ensure efficiency, accountability and effectiveness in the operations of his/her department.

11. Assign and reassign subordinates to such offices, duties and responsibilities as are necessary to accomplish these duties and responsibilities and assignments of the city manager.

12. Provide for the education and training of subordinates.

13. Prepare and submit to the city manager a tentative departmental budget.

14. Be responsible to keep expenditures of the department within the budget approved by the city council.

15. Deliver all records, documents and property of every description, belonging to the office or to the city, to his/her successor in office.

C. Inherent Authority: Each director shall have such authority as is necessary to enable him/her to carry out the duties and responsibilities assigned to him by this section or by direction of the city manager. The designation of a duty or responsibility shall constitute such authority as is necessary to effect the duty or responsibility so imposed.

1. A department head is authorized and empowered to execute agreements/contracts on behalf of the city, within a dollar denominated signing authority prescribed by administrative directive of the city manager that are:

a. within the subject matter supervisory authority of the department head;  
and

b. for expenditures within the approved budget for the department.

D. Service Delivery Obligation: Each department shall furnish, upon the direction of the city manager, any other department such service, labor and materials as may be requisitioned by the head of such department and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.

E. Office Hours; Fund Deposit/Expenditures: All departments within the city shall:

1. Be open during regular business hours as defined by the city manager.

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

3. Pay out monies belonging to the city only in the manner prescribed by law, ordinance and city policy. (2001 Code § 2-4-302; amd. 2009 Code; Ord. 15-~~21~~, 08-25-2015)

**Section 4.** Title 1, Chapter 7, Article D, Section 4 of the 2009 City Code shall hereafter read as follows:

**1-7D-4: POWERS AND DUTIES OF THE CITY MANAGER:**

The city manager shall:

- A. Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the city are observed.
- B. Carry out the policies and programs established by the city council.
- C. Organize and direct the management of the executive affairs of the city in a manner consistent with the Utah optional form of municipal government act, title 10, chapter 3 of the Utah code (2007), and city ordinances.
- D.
  - 1. Appoint a budget officer for the purpose of compliance with the requirements of the Utah state uniform fiscal procedures act or a successor statute;
  - 2. Appoint, with the advice and consent of the council, a qualified person to each of the offices of recorder, treasurer, engineer, and attorney.
  - 3. Create any other offices as may be deemed necessary for the good government of the city; and
  - 4. Regulate and prescribe the powers and duties of all other officers of the city, except as otherwise provided by law or by ordinance.
- E. Examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from personnel.
- F. Appoint, subject to the provisions Title 10, Chapter 3 of the Utah Code (2007) and of this city code and with the advice and consent of the city council, suspend or remove heads of city offices, departments and agencies, and all appointive officers of city boards and commissions.
- G. Establish standards, qualifications, criteria and procedures to govern the appointments, by heads of offices, departments and agencies, or by other authorized officers, of divisional officers, assistants, deputies and employees within their respective organizational units, subject to any applicable provisions of city personnel rules and this city code.
- H. Submit to the city council plans and programs relating to the development and needs of the city, and annual and special reports concerning the financial, administrative and operational activities of city offices, departments, agencies, boards and commissions, together with his evaluation and recommendations relating to them.

- I. Attend all meetings of the city council and take part in its discussions and deliberations, but without the right to vote.
- J. Appoint, with approval by majority vote of the full membership of the city council, an acting city manager to serve during any absence or temporary incapacity of the city manager, to perform the city manager's powers and duties provided for in this section 1-7D-4.
- K. Recommend to the city council for adoption such measures as are deemed necessary or expedient.
- L. Prepare a financial estimate of the annual budget and advise the city council of the financial condition and needs of the city.
- M. Notify the city council of any emergency existing in any department.
- N. Coordinate all city departments in the event of manmade or natural emergencies, and develop policies and plans to deal with emergencies.
- O. Schedule and cause notice to be published, as may be required by law, public hearings before the city council, which hearings include, but are not limited to:
  - 1. Authorizing use of monies obtained from the federal government;
  - 2. Public hearings when required by law to be held;
  - 3. Adopting or amending city budgets.
- P. Execute such contracts as are necessary for the good order and functioning of the city, provided the expenditures related to a contract are within budgeted appropriations approved by the city council, and provided further that such contract is not reserved for the mayor's signature pursuant to Section 1-7B2C.
- Q. Issue and renew all business and regulatory licenses issued by the city and, subject to the provisions of ordinances, conduct show cause and other appropriate revocation or suspension hearings concerning such licenses.
- R. Implement and administer, within the budgetary restraints as established by the city council, a plan for the compensation of city employees, including, but not limited to, a pension system and a system for health and accident care coverage for employees and their dependents.
- S. Approve such expenditures made for official city business, provided such expenditures are within the appropriations contained within the appropriate budget, as adopted by the city council.

- T. Approve reductions and releases of development improvement guarantees and other written obligations required to be posted in favor of the city; however, development improvement guarantee reductions to the ten percent (10%) level and to the zero percent (0%) level must be approved by the city council.
- U. Authorize a department head or similar officer to appoint and remove subordinates serving under that department head or officer.
- V. Designate himself/herself, or some officer or employee, to perform the duties of any office or position under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.
- W. Assign any employee of the city to any department or branch requiring services appropriate to the personnel system classification of the employees so assigned.
- X. Investigate and examine or inquire into the affairs or operations of any department, division or office; and when so authorized by the city council, the city manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.
- Y. Examine all proposed contracts to which the city may be party.
- Z. Approve, in conformity with personnel rules and regulations, increases and bonuses for city employees when appropriate, in compliance with established policies.
- AA. Direct any department, division or office to perform the work for any other department, division or office. (2001 Code §§ 2-4-504, 2-4-505; amd. 2009 Code § 1-7D-5; Ord. 09-13, 4-14-2009; Ord. 11-06, 3-23-2011; Ord. 15-21, 08-25-2015)

**Section 5.** Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

**Section 6.** This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 25<sup>th</sup> day of August, 2015.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
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 Sophie Rice**
- Council Member Ben Southworth**
- Mayor Kim V. Rolfe**

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**CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION**

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC  
City Clerk/Recorder

[SEAL]

# Legislative

1-6-1: LEGISLATIVE POWER VESTED IN CITY COUNCIL:

1-6-2: COMPOSITION:

1-6-3: ELECTION:

1-6-4: COMPENSATION OF MEMBERS OF CITY COUNCIL:

1-6-5: FUNCTIONS OF CITY COUNCIL:

1-6-6: ~~RESERVED CITY MANAGER RESPONSIBILITY TO CITY COUNCIL:~~

1-6-7: LIMITATIONS OF ACTIONS AND AUTHORITY OF CITY COUNCIL:

1-6-8: ACCESS TO CITY COUNCIL BY CITIZENS AND EMPLOYEES:

## 1-6-6: ~~RESERVED CITY MANAGER RESPONSIBILITY TO CITY COUNCIL:~~

~~As the executive branch of city government, the city manager shall manage all executive and administrative powers and activities of the city, and will be responsible to the city council to see that these powers and activities are consistent with and fulfill the city council's policies as expressed in ordinances and resolutions adopted by the city council. The responsibility to execute the policies of the city council lies with the city manager. (2001 Code § 2-3-107; amd. Ord. 09-13, 4-14-2009; Ord. 15-\_\_\_, 08-25-2015)~~

## 1-7B-2: MAYORAL DUTIES:

A. Functions: The mayor is a full time position requiring at least forty (40) hours of service to the city each week, although such service may be performed before, during and/or after the city's normal business hours. By way of example and not limitation, except as otherwise expressly provided, the mayor shall:

1. ~~Serve as a chairperson~~ Preside at all meetings of the city council and ~~preside at shall have a vote in~~ all its meetings ~~council proceedings.~~

2. ~~Have a vote in all city council proceedings.~~

3. ~~Execute, on behalf of the city, all bonds, ordinances and resolutions notes, contracts and written obligations of the city council, real and personal property title transfers or deeds, and (where required by law to effectuate city purchases) contracts and other written obligations of the city; provided that in the event of his/her inability to act, by the councilmember that the council shall designate to act as mayor during his/her absence or disability.~~

43. a. Shall be the chief ceremonial officer of the city and shall represent the city in all its external relationships. This means to attend and, if appropriate, officiate at ceremonial activities of the city, which events include, but are not limited to, national, state and local holiday celebrations, city sponsored events, public and business groundbreakings and ribbon cuttings, public and business open houses, public receptions and other civic and religious ceremonial activities where official city representation is needed or sought. Participation in religious activities should not suggest any city endorsement of such religion and such participation shall be widely shared with any and all religious organizations who request such participation.

5-b. Attend and represent the city in all its external relationships with the state agencies and legislature; the county council and departments; other political subdivisions; civic, social and fraternal organizations, including, but not limited to, one or more associations of cities and/or other local governments; and appointed boards, committees, councils and commissions, as provided by law or to which an official, nontechnical representative from the city is sought or needed, provided that membership on boards, committees, councils and commissions should be offered to other interested members of the city council who will act as the city's representative. In all external relationships, the mayor shall coordinate closely with and shall follow the lead of the city manager and/or the city manager's retained government relations advisor, and

6. c. Be a spokesperson for the city council, provided that when the mayor acts as spokesperson for the city council, the mayor should reflect the policy position of the expressed majority of the city council. Otherwise, in the absence of an expressed majority city council policy position, or when the mayor is speaking as a private citizen or as an individual member of the city council, the mayor shall clearly identify that limited capacity.

7. Act in emergency situations to organize governmental response in close coordination with and following the lead of the city manager and the city's emergency preparedness officials, and to be available as needed to take and authorize governmental action together with such other city council members who may be available.

8. Be available during regular posted business hours for meetings with city staff and citizens seeking assistance with their access to the city and its services. The city manager shall provide an office and clerical assistance for the mayor at city hall.

4. The powers and duties of the mayor shall be only those conferred upon him by this section 1-7B-2, and in compliance with section 10-3-1223 Utah code (2007).

B. No Administrative/Executive Duties: The mayor shall have no administrative or executive powers or duties. The mayor may provide citizens with names and phone numbers or e-mail addresses into specific departments of city government for assistance with citizen questions, but the mayor may not direct the city staff as to the solution or action responding to any such concern. Any issue raised by citizens or the city council concerning the level or appropriateness of city responses or services shall be discussed with the city manager and not directly with any subordinate employee.

C. Contract/Written Obligation Signing: For purposes of defining the terms "contracts and other written obligations" with respect to the mayor's signing authority, the mayor shall sign only the following contracts/obligations:

1. Interlocal Agreements, following approval of the city council in a public meeting, if the agreement:

- a. requires the city to adjust its budget for a current or future fiscal year;
- b. includes an out-of-state public agency as a party;
- c. provides for the public agency to acquire or construct:
  - (1) a facility; or
  - (2) an improvement to real property;
- d. provides for the public agency to acquire or transfer title to real property by deed;
- e. provides for the public agency to issue bonds;
- f. creates an interlocal entity;
- g. provides for the public agency to share taxes or other revenues.

2. Such other contracts/agreements as may be required by law to be approved by the city council, including but not limited to contracts/agreements which:

- a. requires the city to adjust its budget for a current or future fiscal year;
- b. includes an out-of-state public agency as a party;
- c. provides for the public agency to acquire or construct:
  - (1) a facility; or
  - (2) an improvement to real property;
- d. provides for the city to acquire or transfer title to real property by deed; or
- e. provides for the city to share taxes or other revenues.

3. All ordinances and resolutions adopted by the city council. (2001 Code § 2-4-402; amd. 2009 Code; Ord. 09-13, 4-14-2009; Ord. 13-24, 7-31-2013; Ord. 15-\_\_\_\_, 08-25-2015)

## **1-7C-2: DUTIES AND RESPONSIBILITIES OF DEPARTMENT DIRECTORS:**

- A. General Duties: Each director shall perform all duties required of the office by state law, this code, other ordinances of the city, and such other duties not in conflict with law as may be required by the city manager.
- B. Specific Duties: The directors and department heads, subject to the direction and control of the city manager, shall:

1. Be immediately responsible to the city manager for the effective administration of their respective departments and all activities assigned to their departments.
2. With the approval of the city manager, develop and maintain an up to date departmental policies and procedures manual containing policies, procedures and instructions for carrying out departmental operations in conformity with law and other city policies and in the most efficient and effective manner possible.
3. Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the city manager, such new practices as appear to be of benefit to the administrative service and to the public.
4. Submit, at least monthly, in a form prescribed by the city manager, together with year to date data and annual reports of the activities of his department to the city manager.
5. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city manager.
6. Have power, when authorized by the city manager, to appoint and remove, subject to personnel rules and regulations, all subordinates under him/her.
7. Exercise authority over all subordinates.
8. Be responsible for the proper maintenance, care and inventory of all city property and equipment used in his department.
9. Designate, with the approval of the city manager, an assistant director or acting director to perform such duties as are assigned during his/her absence or inability to act.
10. With the approval of the city manager, prepare and prescribe rules and regulations, not inconsistent with general law or this title, as the director or department head deems necessary to ensure efficiency, accountability and effectiveness in the operations of his/her department.
11. Assign and reassign subordinates to such offices, duties and responsibilities as are necessary to accomplish these duties and responsibilities and assignments of the city manager.
12. Provide for the education and training of subordinates.
13. Prepare and submit to the city manager a tentative departmental budget.
14. Be responsible to keep expenditures of the department within the budget approved by the city council.
15. Deliver all records, documents and property of every description, belonging to the office or to the city, to his/her successor in office.

- C. Inherent Authority: Each director shall have such authority as is necessary to enable him/her to carry out the duties and responsibilities assigned to him by this section or by direction of the city manager. The designation of a duty or responsibility shall constitute such authority as is necessary to effect the duty or responsibility so imposed.

1. A department head is authorized and empowered to execute agreements/contracts on behalf of the city, within a dollar denominated signing authority prescribed by administrative directive of the city manager that are:

a. within the subject matter supervisory authority of the department head; and

b. for expenditures within the approved budget for the department.

- D. Service Delivery Obligation: Each department shall furnish, upon the direction of the city manager, any other department such service, labor and materials as may be requisitioned by the head of such department and as its own facilities permit, through the same procedure and subject to the same audit and control as other expenditures are incurred.

- E. Office Hours; Fund Deposit/Expenditures: All departments within the city shall:

1. Be open during regular business hours as defined by the city manager.
2. Make a daily deposit with the city treasurer of any public monies.
3. Pay out monies belonging to the city only in the manner prescribed by law, ordinance and city policy. (2001 Code § 2-4-302; amd. 2009 Code; Ord. 15-\_\_\_\_, 08-25-2015)

**1-7D-1: POSITION CREATED:**

**1-7D-2: ADMINISTRATIVE POWERS VESTED IN CITY MANAGER:**

**1-7D-3: APPOINTMENT:**

**1-7D-4: POWERS AND DUTIES OF THE CITY MANAGER:**

**1-7D-5: WORKING TIME; LEGAL RESIDENCE:**

**1-7D-6: ADMINISTRATIVE ADVISORY COMMITTEES:**

**1-7D-7: REMOVAL OF CITY MANAGER:**

**1-7D-8: RULE MAKING AUTHORITY:**

**1-7D-9: EMERGENCY INTERIM SUCCESSORS TO CITY MANAGER:**

**1-7D-4: POWERS AND DUTIES OF THE CITY MANAGER:**

The city manager shall:

- A. Faithfully execute and enforce all applicable laws, ordinances, rules and regulations, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the city are observed.
- B. Carry out the policies and programs established by the city council and discharge any other duties specified by statute or city ordinance.

- C. Organize and ~~execute all direct the management of the executive and administrative powers, duties and rights granted by and~~ affairs of the city in a manner consistent with the Utah optional form of municipal government act, title 10, chapter 3~~B~~ of the Utah code (2009), ~~title 10, chapter 3 of the Utah code (2007), and city ordinances.~~
- D. 1. ~~With the advice and consent of the city council, appoint a qualified person to each of the offices of clerk/recorder, treasurer, engineer, attorney and~~ Appoint a budget officer, who meets for the purpose of compliance with the requirements of the Utah state uniform fiscal procedures act or a successor statute;
2. ~~Appoint, with the advice and consent of the council, a qualified person to each of the offices of recorder, treasurer, engineer, and attorney.~~
23. Create any other offices as may be deemed necessary for the good government of the city; and
34. Regulate and prescribe the powers and duties of all other officers of the city, except as otherwise provided by law or by ordinance.
- E. Examine and inspect the books, records and official papers of any office, department, agency, board or commission of the city and make investigations and require reports from personnel.
- F. ~~Appoint other qualified officers and employees of the city, as authorized in the city adopted staffing document.~~
- ~~G. With, subject to the provisions Title 10, Chapter 3 of the Utah Code (2007) and of this city code and with the advice and consent of the city council, suspend or remove heads of city offices, departments heads, statutory officers, heads of municipal offices, departments and agencies, and all appointive officers of city boards and commissions, except persons serving on boards and commissions which are established by or are advisory to the city council. The city manager may suspend, or discharge any other employees or agents of the city, without city council advice or consent, in a manner consistent with law.~~
- H G. Establish standards, qualifications, criteria and procedures to govern the appointments, by heads of offices, departments and agencies, or by other authorized officers, of divisional officers, assistants, deputies and employees within their respective organizational units, subject to any applicable provisions of city personnel rules and regulations this city code.
- I H. Submit to the city council plans and programs relating to the development and needs of the city, and annual and special reports concerning the financial, administrative and operational activities of city offices, departments, agencies, boards and commissions, together with his evaluation and recommendations relating to them.
- J I. ~~Unless otherwise requested, attend~~ Attend all meetings of the city council and take part in its discussions and deliberations, but without the right to vote.
- K J. ~~With approval of the city council, appoint~~ Appoint, with approval by majority vote of the full membership of the city council, an acting city manager to serve during any absence or temporary incapacity of the city manager, to perform the city manager's powers and duties provided for in this article section 1-7D-4.
- L K. Recommend to the city council for adoption such measures as are deemed necessary or expedient.

- ~~M~~ L. Prepare a financial estimate of the annual budget and advise the city council of the financial condition and needs of the city.
- ~~N~~ M. Notify the city council of any emergency existing in any department.
- ~~O~~ N. Coordinate all city departments in the event of manmade or natural emergencies, and develop policies and plans to deal with emergencies.
- ~~P~~ O. Schedule and cause notice to be published, as may be required by law, public hearings before the city council, which hearings include, but are not limited to:
1. Authorizing use of monies obtained from the federal government;
  2. Public hearings when required by law to be held;
  3. Adopting or amending city budgets.
- ~~Q~~ P. Execute such contracts as are necessary for the good order and functioning of the city, provided the expenditures related to a contract are within budgeted appropriations approved by the city council, and provided further that such contract is not reserved for the mayor's signature pursuant to Section 1-7B2C.
- ~~R~~ Q. Issue and renew all business and regulatory licenses issued by the city and, subject to the provisions of ordinances, conduct show cause and other appropriate revocation or suspension hearings concerning such licenses.
- ~~S~~ R. Implement and administer, within the budgetary restraints as established by the city council, a plan for the compensation of city employees, including, but not limited to, a pension system and a system for health and accident care coverage for employees and their dependents.
- ~~T~~ S. Approve such expenditures made for official city business, provided such expenditures are within the appropriations contained within the appropriate budget, as adopted by the city council.
- ~~U~~ T. Approve reductions and releases of development improvement guarantees and other written obligations required to be posted in favor of the city; however, development improvement guarantee reductions to the ten percent (10%) level and to the zero percent (0%) level must be approved by the city council.
- ~~V~~ U. Authorize a department head or similar officer to appoint and remove subordinates serving under that department head or officer.
- ~~W~~ V. Designate himself/herself, or some officer or employee, to perform the duties of any office or position under his control which is vacant or which lacks administration due to the absence or disability of the incumbent.
- ~~X~~ W. Assign any employee of the city to any department or branch requiring services appropriate to the personnel system classification of the employees so assigned.
- ~~Y~~ X. Investigate and examine or inquire into the affairs or operations of any department, division or office; and when so authorized by the city council, the city manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations or inquiries.

Z Y. Examine all proposed contracts to which the city may be party.

AA Z. Approve, in conformity with personnel rules and regulations, increases and bonuses for city employees when appropriate, in compliance with established policies.

BB AA. Direct any department, division or office to perform the work for any other department, division or office. (2001 Code §§ 2-4-504, 2-4-505; amd. 2009 Code § 1-7D-5; Ord. 09-13, 4-14-2009; Ord. 11-06, 3-23-2011; Ord. 15-\_\_\_\_, 08-25-2015)

THE CITY OF WEST JORDAN, UTAH  
A Municipal Corporation

RESOLUTION NO. 15- 162

**A RESOLUTION approving clarifying changes to City Council Rules.**

Whereas, the City Council has adopted Rules for the governance of the Council and its proceedings; and

Whereas, from time to time experience with the Rules suggests improvements and clarifications of the Rules,

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

*Section 1.* The City Council hereby approves and adopts the changes to its Rules as provided in the draft accompanying this Resolution.

*Section 2.* The Mayor is authorized and directed to sign this resolution.

*Section 3.* This resolution shall take effect immediately.

Adopted by the City Council of the City of West Jordan, Utah this 12th day of August, 2015.

CITY OF WEST JORDAN

ATTEST:

By: \_\_\_\_\_  
Mayor Kim V. Rolfe

\_\_\_\_\_  
Melanie Briggs, City Clerk/Recorder

**Voting by the City Council**

**"AYE"**

**"NAY"**

**Jeff Haaga**

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**Judy Hansen**

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**Chris McConnehey**

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**Chad Nichols**

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**Sophie Rice**

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**Ben Southworth**

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**Mayor Kim V. Rolfe**

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## B.8 LEGISLATIVE ACTION ITEMS

a. Council Initiatives. Council Members may initiate legislation, rather than simply reacting to proposals from the Administration. This policy includes land-use and zoning issues; however, these matters usually require review or a factual development and recommendation by the Administration and the Planning Commission.

b. Process of Development and Full Council Vote Required. An individual Council Member who wishes to initiate legislation is encouraged to talk to the City Manager about the goal of the contemplated legislation and how the Council Member would like to achieve that objective. The City Manager will see that a Legislative Action Item is prepared and put on the Council's agenda, as expeditiously as possible. A Legislative Action Item requires a majority vote of the Council, in a regularly scheduled meeting, in order to formally direct the City Manager to develop proposed legislation or other appropriate action for a subsequent meeting.

## C.4 COUNCIL MEETING AGENDAS AND PAPERWORK

a. Regular Council Meeting Agendas. ~~Items may be placed on Council agendas by the City Manager, the Mayor or individual Council Members.~~ Requests for Council Action will be made by:

1. Submittal to Recorder. Requests to be placed on a particular agenda and supporting documents should be delivered to the City Recorder for a regular Council meeting, no later than 5:00 p.m. on the same day of the preceding week. See the provisions of Rule B.8.

2. Supporting Materials for Agenda Item. All items submitted for Council action, on a regular Council meeting agenda, should include the following:

a) Request for Council Action Report. A written report that outlines the subject matter, fiscal impact and recommendation in a form substantially similar to attached Appendix "A," and Appendix "B," for matters involving a public hearing.

b) City Attorney Approvals. Many documents require the City Attorney's approval "as to form" before they can be executed. Such documents include Interlocal Cooperation Agreements and contracts. It is, also, the preference of the Council to have attorney approval on all other documents before formal Council approval, including Ordinances, Resolutions, budget documents and the like. Except for good cause shown, all such documents will be approved "as to

legal form” by the City Attorney, prior to being placed on a Council agenda

c) Supporting Documents. All background material appropriate to an agenda item should be included with the request to have a matter placed on the Council agenda.

3. Consent Items on Council Agenda. If the agenda item is routine and likely non-controversial, it will be placed on the formal Council meeting “consent” line, for action at the soonest possible date. These items are only of a routine or ongoing nature. Consent agenda items shall include, but are not limited to: appointments and reappointments to City boards; appointment of administrative executive-level employees; authorizing signature of non-controversial agreements. If a Council Member has a question concerning a counsel calendar item, they should talk to the City Manager prior to the meeting.

4. Business Items on Council Agenda. If agenda items are not routine, the item will be placed on the formal Council meeting “business” category in the agenda. The City Manager shall determine which items are to appear as business items. When non-routine agenda items appear to be of a controversial or politically sensitive nature, the City Manager will discuss the items with the Mayor before the item is scheduled for a Council agenda.

5. Citizen Comments. Each regularly scheduled Council meeting will contain an agenda schedule for citizen comments. Any person desiring to address the Council will be permitted to speak, subject to legal constraints and the other applicable provisions of these rules, including but not limited to C.9. (Res. No. 09-124)

6. Matters Involving Significant Presentation Time. Matters that are of a complex nature and/or involve significant time to present the matter by staff should be separately calendared and noticed for a workshop meeting on another night. For this purpose, “significant time to present” means a contemplated presentation to the City Council requiring in excess of 10-minutes.

Rule D.1

g. Roles and Information Flow. ~~It is the responsibility of the City Manager to provide Council Members free and reasonable access to information from the City and to insure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Council Members must avoid intrusion into those areas which are the responsibility of the City Manager and the Administration.~~ Individual Council Members may not intervene in Administrative decision-making, the development of recommendations, scheduling of work, and executing department priorities, without the prior knowledge and approval of the City Council as a whole. This limitation is necessary to protect Administrative staff from undue influence and pressure from individual Council Members and to allow Administrative personnel to execute priorities given by management and the Council, as a whole, without fear of reprisal.

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i. Legislative/Executive Communications. ~~When the Desired information or action of interest to a Council Member should be communicated to the city manager, who will either arrange for the desired information or action to be delivered and communicated to the Council Member directly; or, if the information or action desired by the Council Member is significant and requires considerable staff time, or is controversial, or intrudes on the prerogatives of the executive branch of city government, bring the request to the attention of the City Council as whole. This minor and will require minimal staff time, or information sought is available to the general public, the Council Member may make the request to the affected department head. However, when the information or action requested is significant, requiring considerable staff time or deals with a sensitive issue, the Council, as a whole, will submit the request to the City Manager, in writing. In no event will requests be made by the Council or an individual Council Member to City staff, other than the City Manager, the Assistant City Manager and the City Attorney. Nevertheless, Council Members are welcome to contact the City Manager, the Assistant City Manager, the City Attorney or Department Heads or their designees to obtain information. In some cases, Department heads will have specified Division Managers, who are available to address Council Member concerns.~~

j. Access to Information. It is the responsibility of the City Manager to provide Council Members cost-free and reasonable access to information from the City and to insure that such information is communicated completely

and with candor to the Council Member ~~those~~ making the request. To carry out this responsibility, the city manager may prescribe one or more forms for the use of the city council in requesting information or records. ~~however, individual Council Members, as well as the Council as a whole, are permitted complete freedom of access to any public information and shall receive the full cooperation and candor of Administrative staff in being provided with any such information, without fee or other charge.~~ Privileged, confidential or other non-public information may be inspected by a requesting council member inside city hall but no such records nor copies of the same may be taken out of city hall or shared with any third party without the express approval of the city council.

**C.13 e. Discussion Rules.** To assist the City Council in conducting meetings in an orderly manner, the following structure and rules for the orderly discussion of items are adopted:

1. Obtaining the floor. A member of the City Council shall first address the Mayor and gain recognition. Council members are encouraged to use the colored buttons to notify the Mayor of a desire to speak. Comments and questions should be limited to the issue before the Council. Cross-exchange between Council Members and public should be avoided.
2. Questions to Staff. A Council Member shall, after recognition by the Mayor, address questions to the designated person.
3. Interruptions. Once recognized, a Council Member should not be interrupted while speaking, except to make a point of order or personal privilege. If a Council Member is called to order while speaking, the individual shall cease speaking until the question of order is determined. Upon being recognized by the Mayor, members of the staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Mayor.
4. Discussion Limit. A Council Member should not speak more than once on a particular subject, until every other Council Member has had the opportunity to speak; however, it is the prerogative of the Chair to recognize a Council Member, who has already spoken, before all other members have had the chance to speak. Council Members are encouraged to discuss items during the decision-making process.

5. Tabling Procedure. A motion to table a matter immediately stops discussion and causes a vote to postpone the matter indefinitely or to a time and date certain.

6. Right of Protest. A Council Member is never required to state reasons for a dissenting vote; provided that if at any time it appears that the "no" votes are in the majority, the Mayor shall recognize a dissenting Council Member to explain the reasons for the no vote so that the record is supported by facts and references to City Code provisions in the event of a litigation challenge to that action by the City Council.

7. Obligation to Maintain Order and Decorum. Each Council Member shall work to preserve appropriate order and decorum during all meetings. This objective will be advanced by: discouraging side conversations, disruptions, interruptions or delaying efforts. Also, each Council Member shall inform the Mayor when departing from a meeting.

8. Motions to Deny. If a Council Member makes a motion to deny a requested action which is positively recommended by city staff based on affirmative findings of fact, the moving Council Member must make a record of which facts he/she failed to find supported by evidence and/or which findings required by the City Code that he/she finds have not been met, and why.