

ORDINANCE NO. 2018- 13

**AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL  
AMENDING SECTION 2.08.060, CITY COUNCIL POWERS AND DUTIES**

WHEREAS, the City of South Salt Lake operates under a council-mayor form of government, which separates the duties and responsibilities of each; and

WHEREAS, this council finds that it should have the ability to hire and direct staff to assist the council in formulating policy pursuant to State law and carrying out its legislative functions;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of South Salt Lake:

Section 1. Section 2.08.060 of the City of South Salt Lake Municipal Code is amended to read:

**2.08.060 - Powers and duties.**

A. The city council shall act as the legislative body of the city government. It shall have the power to enact city policies, but the power of enforcement of such policies rests with the mayor.

B. The city council shall pass ordinances, appropriate funds, review municipal administration, and perform all duties that may be required of it by law.

C. The city council shall have power to pass resolutions and ordinances concerning matters such as:

1. Tax levies;
2. Adoption of the city budget;
3. Sewer, water, and other service rates;
4. Licensing fees and other fees set forth in the South Salt Lake Municipal Code;
5. Zoning and building regulations.

D. The city council shall consider and give, where appropriate, its advice and consent to the mayor on all proposed appointments of city officers and appointments to commissions, committees or other bodies established to provide advice or assistance to the operation of the city government.

E. The council shall supervise, appoint, and direct its own staff and establish job descriptions, job functions, job classifications or reclassifications and compensation therefor, within the budgeted appropriations and consistent with all applicable state laws. This position shall be hired only after appropriate and adequate budget to do so has been approved and is in place.

F. The city council shall have power to make and enforce any additional rules and regulations for the government of the council, the preservation of order, and the transaction of the business of the council as may be necessary.

G. The city council shall, by ordinance, provide for the manner in which:

1. Municipal property is bought, sold, traded, encumbered, or otherwise transferred; and
2. Subdivisions or annexations are approved, disapproved or otherwise regulated.

Section 2. Repealer. Ordinances in conflict herewith are hereby repealed.

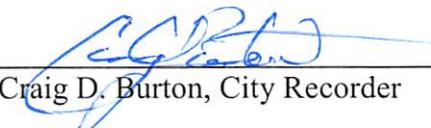
Section 3. Effective Date. This ordinance will take effect upon execution by the Mayor or after fifteen days from transmission to the office of the Mayor if neither approved nor disapproved by the Mayor.

DATED this 19<sup>th</sup> day of SEPTEMBER 2018.

BY THE CITY COUNCIL:

  
\_\_\_\_\_  
Ben Pender, Council Chair

ATTEST:

  
\_\_\_\_\_  
Craig D. Burton, City Recorder

City Council Vote as Recorded:

Beverly	<u>NO</u>
deWolfe	<u>YES</u>
Kindred	<u>YES</u>
Mila	<u>NO</u>
Pender	<u>YES</u>
Siwik	<u>YES</u>
Thomas	<u>YES</u>

Transmitted to the Mayor's office on this 20<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
~~Craig D. Burton, City Recorder - Deputy~~  
Ariel Andrus

MAYOR'S ACTION: Veto

Dated this 5<sup>th</sup> day of October, 2018.

  
\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST:



~~Craig D. Burton, City Recorder~~ -Deputy  
Ariel Andrus



**MEMORANDUM**

To: South Salt Lake City Council  
From: Mayor Cherie Wood  
Date: October 5, 2018  
Re: Veto of Ordinance No. 2018-13

On September 20, 2018 City Recorder Craig Burton transmitted Ordinance No. 2018-13 to the Office of the Mayor for consideration and action. After review and consideration, I issue this veto message explaining my objections.

First, the ordinance does not conform with local and state laws. This ordinance was a second reconsideration of Ordinance 2018-11 which was vetoed on August 23, 2018. The Council voted on September 5, 2018 to uphold that veto. Notwithstanding the Council's recent action to repeal Rule 15 of their Council Rules, Ordinance 2018-11 was subject to then existing City Council Rules of Procedure including Rule 15's prohibition against revisiting the ordinance after the first reconsideration by the City Council. Although the applicable Council Rule is silent as to how long such prohibition remains, certainly its intent was not to allow the Council to reconsider a vetoed ordinance within a matter of weeks.

Furthermore, the rushed nature of this ordinance failed to give City staff, and, more importantly, the general public adequate notice in advance of its consideration and passage by the Council. A copy of the draft ordinance was not provided to the public in advance of the Council's meeting. The lack of adequate notice and transparency falls short of the requirements of the Utah Open and Public Meetings Act. In fact, the Council did not even comply with its own rules of procedure regarding the time frame for delivery of information packets. As such, I question whether the Council itself had adequate time to study and consider the ordinance prior to voting on the matter.

Second, I reiterate the objections raised in the Ordinance 2018-11 veto issued August 23, 2018 which is attached hereto.

Third, I will continue to oppose the Council's hiring of staff until the appropriate discussions have been had among the Council regarding the process of said hire. Despite representations made at the Council meeting, the ordinance requires the Council to appoint its own staff with the only condition precedent being that the adequate budget has been approved. Given that such condition has been satisfied, this ordinance requires the Council to appoint staff absent any discussion outside of discussions considering job descriptions, function, classifications, and compensation. I share Councilman deWolfe's concerns regarding having appropriate discussions and relevant logistical framework in place prior to the Council's requirement to appoint staff.

There has been some discussion regarding the need for an ordinance on the matter. Contrary to representations by certain Council members, Council staff cannot be compensated absent an ordinance establishing the position. Compensation of City employees is an administrative function that cannot be performed by anyone other than the City's Chief Executive Officer.

**CHERIE WOOD**  
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