

PROVIDENCE CITY COUNCIL

WORKSHOP AGENDA

July 31, 2019 6:00 PM

Providence City Office Building, 164 North Gateway Drive, Providence UT

The Providence City Council will hold a workshop to discuss proposed code amendments creating a city manager position. The Council will also discuss an employment agreement and duties matrix. Anyone interested is invited to attend. This workshop will be held in the main floor class room.

Proposed amendments to the following Providence City Code sections:

- 1-6-4:B. Mayor in Six-Member Council
- 1-6-6: Council in Six-Member Council
- 1-7-1: Creating Offices; Filling Vacancies
- 1-7-9: Supervision
- 1-12 City Manager

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted by S Bankhead the 30 day of July 2019.



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 164 North Gateway Drive, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

Proposed Ordinance Changes

Chapter 6, 1-6-4B, The Mayor:

This is deleted:

- ~~4. Except as modified by ordinance under UCA 10-3b-303(2), has the powers and duties described in UCA 10-3b-104; and~~
- ~~5. May, within budget constraints, appoint one or more administrative assistants to the mayor.~~

This is added:

4. **Is the Chief Executive officer of the city to whom the city manager shall report;**
5. Performs all duties prescribed by law, resolution or ordinance;
6. Ensures that all the laws, ordinances and resolutions are faithfully executed and observed;
7. Reports to the city council the condition of the city and recommend for city council consideration any measures that the mayor considers to be in the best interests of the city;
8. When necessary, calls on the residents of the city over the age of twenty-one (21) years to assist in enforcing the laws of the state and ordinances of the city;
9. Appoints, with the advice and consent of the city council, persons to fill vacancies on commissions or committees of the city, unless otherwise delegated to the city manager by ordinance;
10. Signs all city ordinances and resolutions, and the mayor is further hereby authorized to sign his name officially for and in behalf of the city to all deeds, bonds, bills, notes, contracts, leases and other writings to which the city is a party, when so directed by the city council.

Proposed Ordinance Changes

Chapter 6, 1-6-6, City Council in A Six-Member Council

This section is added:

The City Council May:

1. Pass all ordinances and rules and make all regulations not repugnant to law necessary for carrying into effect or discharging all powers and duties conferred by this chapter, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city.
2. Adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
3. Prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
4. Require by ordinance that any or all appointed officers reside in the municipality;
5. Create any office that the city council considers necessary for the government of the municipality;
6. Provide for filling a vacancy in an elective or appointive office;
7. Perform any function specifically provided for by statute or necessarily implied by law;
8. Enforce obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703.
9. Exercise any executive or administrative power and perform or supervise the performance of any executive or administrative duty or function that has not been given to the Mayor as set forth in UCA 10-3b-303.

Proposed Ordinance Changes

Chapter 7, 1-7-1 Creating Offices; Filling Vacancies:

This section is deleted:

~~B. — Mayor to Appoint and Fill Vacancies: The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all offices provided for by law or ordinance.~~

This moves up and becomes B:

C. Continuation in Office

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Proposed Ordinance Changes

Chapter 7, 1-7-9 Supervision:

This section is deleted:

~~1-7-9 SUPERVISION: The Mayor shall supervise the official conduct of all officers of the City and investigate or cause to be investigated and present any complaint to the City Council, together with the results of the investigation, at the next regular meeting of the City Council after the complaint is received by him. (1977 Code 3-623)~~

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Proposed Ordinance Changes

Chapter 12, City Manager

These sections are deleted:

~~SECTION 1. Title 1 Chapter 12 City Manager is repealed.~~

~~SECTION 2.~~

These sections are added:

- 1-12-1: Appointment
- 1-12-2 Compensation
- 1-12-3 Powers and Duties
- 1-12-4 City Council Not to Interfere with Appointments or Removals
- 1-12-5 Emergencies
- 1-12-6 Removal of the City Manager
- 1-12-7 Bond
- 1-12-8 Vacancy
- 1-12-9 Saving Clause

There is hereby created in and for the city the office of city manager. The city manager shall be appointed by the governing body (city council) and shall serve at its pleasure.

1-12-1 APPOINTMENT:

The city manager shall be appointed by majority vote of the city council for an indefinite term. The manager shall be chosen by the city council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice in respect to the duties of the office hereinafter set forth. At the time of this appointment, the appointee need not be a resident of the city or state, but during the manager's tenure of office, shall reside within the county. No city council member shall receive such appointment as city manager during the term for which the city council member shall have served nor within one year after the expiration of the city council member's term.

1-12-2 COMPENSATION:

The city manager shall receive such compensation as the city council shall fix from time to time by ordinance or resolution.

1-12-3 POWERS AND DUTIES:

The city manager shall be the chief administrative officer of the city overseeing the day to day operations of the city, and is responsible to the city council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove, promote and demote any and all officers and employees of the city, subject to all applicable personnel ordinances, rules and regulations, except for the

positions of city recorder, city treasurer, city attorney, city engineer, justice court judge and city department heads, which shall only be appointed, demoted or removed with the advice and consent of the city council.

- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote unless excused by the mayor;
- (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by the city council to achieve the goals of the city;
- (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) To keep or cause to be kept a current inventory showing all real and personal property of the city and its location. The city manager shall be responsible for the care and custody of all such property, including electronic and paper documents and records, equipment, buildings, parks and all other city property which is not by law assigned to some other officer or body for care and control.
- (8) The city manager shall recommend to the city council for adoption such measures and ordinances necessary for the efficient management of administrative affairs.
- (9) Make such other reports as the city council may require concerning operations;
- (10) Keep the city council fully advised as to the financial condition and future needs of the city;
- (11) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
- (12) Provide staff support services for the mayor and city council members;
- (13) Assist the city council to develop long term goals for the city and strategies to implement these goals;
- (14) Encourage and provide staff support for regional and intergovernmental cooperation;
- (15) Promote partnerships among city council, staff, and citizens in developing public policy and building a sense of community; and
- (16) Perform such other duties as are specified in this charter or may be required by the city council.

1-12-4 CITY COUNCIL NOT TO INTERFERE WITH APPOINTMENTS OR REMOVALS:

Neither the city council nor any of its members shall direct or request the appointment of any person to, or removal from, office by the city manager or any of the manager's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiry, the city council and its members shall deal with the administration solely through the city manager and neither the city council nor any member thereof shall give orders to any subordinates of the city manager, either publicly or privately.

1-12-5 EMERGENCIES

In case of accident, disaster, or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting said emergency; but the manager shall file promptly with city council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

1-12-6 REMOVAL OF THE CITY MANAGER

The city council may remove the city manager at any time by a super majority vote of its members which includes the mayor. If requested, a hearing shall be granted by the city council within 30 days following notice of removal. During the interim, the city council may suspend the manager from duty.

1-12-7 BOND

In accordance with Utah Code 10-3-831(3), the city shall provide and pay for a fidelity bond and theft or crime insurance policy to cover the city manager.

1-12-8 VACANCY

Any vacancy in the office of the city manager shall be filled within 60 days after the effective date of such vacancy.

1-12-9 SAVING CLAUSE

If any section, sub-section, or sentence, clause, or phrase of this ordinance is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. All ordinances of the city prescribing the duties of heads of departments shall remain in full force and effect except in so far as they conflict with the provisions of this ordinance in which case the provisions of this ordinance shall govern.

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