

**MINUTES TO
BE APPROVED**

**MINUTES OF THE CITY OF WEST JORDAN
CITY COUNCILWORKSHOP**

Thursday, June 27, 2019

5:30 p.m.

**Community Room 1st Floor
8000 South Redwood Road
West Jordan, Utah 84088**

COUNCIL: Mayor Jim Riding and Council Members Alan Anderson, Dirk Burton, Kayleen Whitelock, and Chris M. McConnehey. Council Members Zach Jacob and Chad Lamb were excused.

STAFF: David Brickey, City Manager; Korban Lee, Assistant City Manager; Rob Wall, City Attorney, and Duncan Murray, Assistant City Attorney, and Tangee Sloan, Deputy City Clerk.

I. CALL TO ORDER

The meeting began at 5:35 p.m.

The Pledge of Allegiance was led by Councilmember Anderson.

**II. WEST JORDAN MUNICIPAL CODE DISCUSSION
REVIEW AND DISCUSSION REGARDING THE 2009 WEST JORDAN MUNICIPAL
CODE TITLE 1, CHAPTERS 5-8 AND 11-12, INCLUDING THE PRIMARY MAYORAL
AND COUNCIL POWERS**

Duncan Murray reminded those gathered that part of the change of the form of government in West Jordan was that the number of elected officials would increase from seven to eight. The coming election would be for a mayor and four "district" councilmembers, all to serve four-year terms and one at-large councilmember who would initially serve a two-year term. All municipal elections thereafter would either be for a mayor and four district councilmembers or for three at-large councilmembers, all of whom would serve four-year terms. He explained that the City Council would represent the legislative branch of government while the Mayor would lead the executive branch. The proposed code changes involved language pulled almost word-for-word from state statute. The new form of government would go into effect at noon on the first Monday of January 2020 which would be January 6.

Where the mayor had previously chaired City Council meetings, Mr. Murray explained that the new council would need to elect a separate chair and vice-chair, neither of whom could be the mayor. The current Council could decide how long they wished the terms of the chair and vice-chair to be.

Some had already proposed changes to Mr. Murray's draft. Mayor Riding's recommendations were highlighted in green, Councilmember McConnehey's were in red and Councilmember Whitelock's were in purple. The blue sections indicated potential effective dates according to state statute.

Councilmember Whitelock wished the ordinance to reflect that all councilmembers were eligible to be nominated to be the Chair and Vice Chair and that there should not be a limit on how many individuals could be nominated to serve in those positions. Nominations would not require a second and it was agreed that nominations would also remain open until everyone had the opportunity to nominate someone if they wished to.

Rob Wall explained that state code required only that a chair be elected. It did not dictate a term or a specific way in which one was to be elected. Therefore, if the council failed to elect a new chair, the existing chair would continue to serve in that capacity.

It was determined that the language indicating the legislative branch could request information pertaining to City business from the executive branch would be stricken from the Code for now. However, the City Attorney's office would do some research with other cities with the strong mayor form of government and see how they addressed the issue in their ordinances.

Most City committees would fall under the purview of the mayor's office. Some exceptions were the General Plan Committee which would serve the City Council. Additionally, the Council would continue to act as the administrative control board for the Redevelopment Agency, the Municipal Building Authority, and the Fairway Estates Special Service Recreation District.

The City Attorney's office would research whether someone running for an elected office in the City could also run for elected office for a separate entity outside the City's purview.

The Council and legal staff discussed the requirement that City Councilmembers be bondable. They determined that the burden was on the municipality to ensure that elected officers were bonded, rather than on the officers themselves. The proposed language would reflect that.

Regarding compensation for the mayor, most of the Council agreed to leave the language as it was in 1-7-2, pending a separate, future council discussion on the matter.

In response to an earlier inquiry, Mr. Wall pointed out that per Utah Code, an individual could declare candidacy for no more than one office in Utah during any election. (There were two exceptions, neither of which was applicable to West Jordan.)

Some Councilmembers expressed concern about the proposed code and language which limited the council's ability to balance out the Mayor's authority. Mr. Wall pointed out that with the change in the form of government, the City Council's authority would be reduced. It would no longer be the Council's duty to carry out the business of the City. That body would *fund* City business, but it would be the duty of the mayor to carry that business out. The only power that the Council would have over a "rogue" mayor was the control it would have over the purse strings. Councilmember McConnehey wished to ensure that the City staff members were protected if the Mayor and Council were at extreme odds. Mr. Wall pointed out that there were certain positions that state statute required to be at-will. Additionally, the Council could adopt an ordinance allowing up to 5% of the City workforce to also be at-will.

Councilmember Whitelock felt strongly that City code should specify a date by which the mayor's office was required to provide the city council with a tentative budget for the coming fiscal year. In response to an inquiry from Mayor Riding, Korban Lee stated that a tentative budget could likely be presented to the Council by the first meeting in May, with the Council adopting the final budget during the first meeting in June. Any earlier than May and the Mayor's office would have to estimate tax revenue rather than having solid numbers upon which to build the budget. He indicated that ideally, the Mayor's office would learn of the Council's fiscal priorities in November, assemble those priorities in December, iron out major issues through March including addressing department requests, compile the budget in April and present the tentative version in early May. That would give the Council a month to deliberate before voting on the final budget.

It was determined that if the Mayor were to terminate a department head, he or she should notify the City Council as soon as was practical, but no later than two business days following the termination.

Concern was expressed regarding the fact that in one section of the proposed code, the language stated that "the City Council may divide the executive branch into departments and divisions and define the functions", even though in a different section, it appeared to be the *Mayor* that had that authority. It was agreed that conflict in the language would need to be addressed at some point.

The Council took a break at approximately 8:21 p.m. but resumed the workshop just a few minutes later.

Council and Staff continued to discuss various proposed changes to the code.

In response to a discussion about the Code of Ethics and language pertaining a potential conflict of interest, Mr. Wall pointed out that it would be easy enough to adopt the Public Officers and Employees and Ethics Act of the State Code. However, there were certain things in the city code that might be worth retaining.

Mr. Wall also felt the language in Section 1-11-12 was problematic and hoped the Council would consider striking it.

It was mentioned that the employee discharge appeal board would be eliminated with the change in the form of government. However, the new discharge appeal process would be addressed in a different portion of the City code.

Council and Staff continued to discuss the proposed code language for some time.

III. ADJOURN

MOTION: Mayor Riding moved to adjourn. Councilmember Whitelock seconded the motion which passed unanimously.

The meeting adjourned at approximately 9:02 p.m.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

JIM RIDING
Mayor

ATTEST:

Jamie Brooks
Interim City Clerk

Approved this 9th day of October 2019