

Council Meeting of October 9, 2019

Consent Agenda Item No. 1h

NO Public Hearing

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance 19-28, an Ordinance Amending Title 2, Sections 2-1-4 and 2-2-5 (Transition of Terms of Office for Planning Commission Members and all other Committee Members into the Council-Mayor Form of Government).

SUMMARY: Adoption of this Ordinance would allow the City Council to continue to appoint Planning Commission Members and other Committee Members before the change to the Council-Mayor Municipal Form of Government at 12 Noon on January 6, 2020, with all Planning Commission Members and other Committee Members appointed before 12 Noon on January 6, 2020 to be able to complete their full terms. The Mayor in the Council-Mayor Municipal Form of Government would retain the ability to remove individual Planning Commission Members and other Committee Members.

**FISCAL/ASSET
IMPACT:**

There is no cost or financial impact to the City (revenue neutral).

STAFF

RECOMMENDATION: Staff recommends approval of this Ordinance.

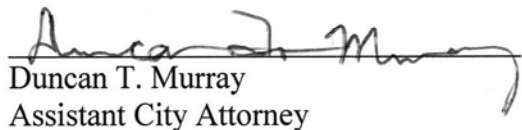
MOTION

RECOMMENDED: "I move to approve Ordinance 19-28, an Ordinance Amending Title 2, Sections 2-1-4 and 2-2-5 (Transition of Terms of Office for Planning Commission Members and all other Committee Members into the Council-Mayor Form of Government)."

[OR approved as part of a Consent Motion.]

[Roll Call Vote required.]

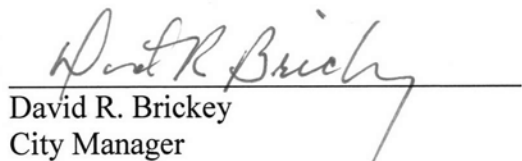
Prepared and Presented by:


Duncan T. Murray
Assistant City Attorney

Recommended by:


Scott Langford
Development Services Director

Authorized for Council Consideration:


David R. Brickey
City Manager

Reviewed for Legal Sufficiency:


Duncan T. Murray
City Attorney's Office

THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

ORDINANCE NO. 19-~~28~~

[TRANSITION TO NEW FORM OF GOVERNMENT-COMMITTEES]

AN ORDINANCE AMENDING TITLE 2, "BOARDS, COMMISSIONS,
AGENCIES AND THIRD PARTY ENTITIES."

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 2, Chapters 1 and 2 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 2, Chapter 1, Section 4 of the 2009 City Code shall hereafter read as follows:

2-1-4: TERMS; TERM LIMITS; AND TRANSITION TO COUNCIL-MAYOR FORM OF MUNICIPAL GOVERNMENT:

- A. Committee Member Terms: The terms for each member of a committee shall be three (3) calendar years, unless otherwise specifically provided by law. The initial terms for members of newly created committees may be shortened or lengthened by the city council, so as to achieve a staggering of term expirations and to maintain continuity of the committee. The term of each committee member shall expire: 1) on December 31 of the last year of the expiring term; or 2) in the circumstance where city residing is a requirement, the date when the said member ceases to have primary domicile in the city.
- B. Support Organizations: Support organizations are separate legal entities and the terms and elections of trustees/directors/managers shall be as provided in the entity's organizational documents and in applicable Utah law.
- C. Term Limits:
 - 1. Basic Term Limit: Committee members may only serve for two (2) consecutive three (3) year terms on any one committee, with this term limit commencing with the term or part of a term that includes January 1, 2007.

2. Six Year Service Limit: No committee member may be appointed or reappointed if the consecutive years of service would exceed six (6) consecutive calendar years on that committee. For purpose of the six (6) year limitation, service for part of a year shall be deemed service for a full year; further, service rendered on a committee to fill the unexpired term of another member shall be included in the six (6) year limitation calculation.

3. Reappointment After Service Break: A qualified person may be reappointed to the same committee after serving six (6) consecutive years if there has been a break in service of at least one calendar year.

4. Council Waiver: Notwithstanding the provisions in subsections C1 through C3 of this section, the city council may waive the application of these provisions as to any committee member by resolution of reappointment expressly waiving the application of these provisions.

5. Support Organizations: Board members and officers of support organizations are elected annually, and any limit on the number of years such a board member or officer may serve shall be provided in the entity's bylaws.

D. Transition to New Form of Government: The terms for each member of each committee appointed before the change of government effective date shall be unaffected by the change to the council-mayor form of municipal government (see definitions in section 1-3-2). This subsection shall not be construed to limit the mayor's authority, after the change of government effective date, to terminate or remove a committee member pursuant to section 2-1-18. (2001 Code § 2-6-104; amd. Ord. 10-08, 2-24-2010 and 2001 Code § 2-6-108; 2009 Code § 2-1-8; amd. Ord. 10-08, 2-24-2010; Ord. 13-09, 3-27-2013; Ord. 19-__, __-__-2019)

Section 2. Title 2, Chapter 2, Section 5 of the 2009 City Code shall hereafter read as follows:
read as follows:

2-2-5: TERMS; EXPIRATION; AND TRANSITION TO COUNCIL-MAYOR FORM OF MUNICIPAL GOVERNMENT:

Each commission member shall be appointed for a three (3) calendar year term, subject to the provisions of subsection 2-1-4C of this title.

A. Transition to New Form of Government: The terms for each commission member appointed before the change of government effective date shall be unaffected by the change to the council-mayor form of municipal government (see definitions in section 1-3-2). This subsection shall not be construed to limit the mayor's authority, after the change of government effective date, to remove a commission member pursuant to section 2-2-6. (2001 Code § 2-6-1405; amd. Ord. 19-__, __-__-2019)

Section 3. 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 4. This Ordinance shall become effective immediately upon passage and having been published in accordance with Utah Code Annotated § 10-3-711.

Passed and adopted by the City Council of the City of West Jordan, Utah this ____ day of ____, 2019.

CITY OF WEST JORDAN

By: _____
JIM RIDING
Mayor

ATTEST:

JAMIE BROOKS, CMC
Interim City Clerk

Voting by the City Council

“YES” “NO”

Council Member Alan Anderson	_____	_____
Council Member Dirk Burton	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chad R. Lamb	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Kayleen Whitelock	_____	_____
Mayor Jim Riding	_____	_____

CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION

I, Jamie Brooks, 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 ____, 2019, pursuant to Utah Code Annotated, 10-3-711.

JAMIE BROOKS, CMC
Interim City Clerk/Recorder
[SEAL]

Legislative

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- A. Committee Member Terms: The terms for each member of a committee shall be three (3) calendar years, unless otherwise specifically provided by law. The initial terms for members of newly created committees may be shortened or lengthened by the city council, so as to achieve a staggering of term expirations and to maintain continuity of the committee. The term of each committee member shall expire: 1) on December 31 of the last year of the expiring term; or 2) in the circumstance where city residing is a requirement, the date when the said member ceases to have primary domicile in the city.
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- C. Term Limits:
1. Basic Term Limit: Committee members may only serve for two (2) consecutive three (3) year terms on any one committee, with this term limit commencing with the term or part of a term that includes January 1, 2007.
 2. Six Year Service Limit: No committee member may be appointed or reappointed if the consecutive years of service would exceed six (6) consecutive calendar years on that committee. For purpose of the six (6) year limitation, service for part of a year shall be deemed service for a full year; further, service rendered on a committee to fill the unexpired term of another member shall be included in the six (6) year limitation calculation.
 3. Reappointment After Service Break: A qualified person may be reappointed to the same committee after serving six (6) consecutive years if there has been a break in service of at least one calendar year.
 4. Council Waiver: Notwithstanding the provisions in subsections C1 through C3 of this section, the city council may waive the application of these provisions as to any committee member by resolution of reappointment expressly waiving the application of these provisions.
 5. Support Organizations: Board members and officers of support organizations are elected annually, and any limit on the number of years such a board member or officer may serve shall be provided in the entity's bylaws.
- D. Transition to New Form of Government: The terms for each member of each committee appointed before the change of government effective date shall be unaffected by the change to the council-mayor form of municipal government (see definitions in section 1-3-2). This subsection shall not be construed to limit the mayor's authority, after the change of government effective date, to terminate or remove a committee member pursuant to section 2-1-18. (2001 Code § 2-6-104; amd. Ord. 10-08, 2-24-2010 and 2001 Code § 2-6-108; 2009 Code § 2-1-8; amd. Ord. 10-08, 2-24-2010; Ord. 13-09, 3-27-2013; (Ord. 19-16 Effect. Jan 2020) Ord. 19-__, __-__-2019)

2-2-5: TERMS; EXPIRATION; AND TRANSITION TO COUNCIL-MAYOR FORM OF MUNICIPAL GOVERNMENT:

Each commission member shall be appointed for a three (3) calendar year term, subject to the provisions of subsection 2-1-4C of this title.

A. Transition to New Form of Government: The terms for each commission member appointed before the change of government effective date shall be unaffected by the change to the council-mayor form of municipal government (see definitions in section 1-3-2). This subsection shall not be construed to limit the mayor's authority, after the change of government effective date, to remove a commission member pursuant to section 2-2-6. (2001 Code § 2-6-1405; amd. Ord. 19-__, __-__-2019)