

Council Meeting Date of December 4, 2019

Agenda Item Number: 4C

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve an ordinance amending Title 1, "Administration" of the West Jordan City Code regarding the compensation of the Mayor and other elected officials.

SUMMARY: This ordinance details a process for determining the salary and benefits of the office of Mayor and the salary of other elected officials under the new form of government which will take effect January 2020.

(See attached Background Discussion)

FISCAL/ASSET

IMPACT:

The fiscal impact will be based upon the compensation approved by the City Council for elected officials.

STAFF

RECOMMENDATION:

The City Manager's office and the City Attorney's office recommend approval of the ordinance.

MOTION

RECOMMENDED:

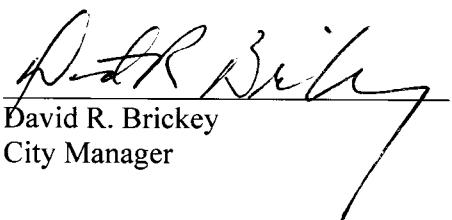
"I move to adopt Ordinance No. 19-46, AN ORDINANCE AMENDING TITLE 1, "ADMINISTRATION" OF THE WEST JORDAN CITY CODE REGARDING THE SALARY OF THE MAYOR AND OTHER ELECTED OFFICIALS and to set the initial annual salary of the mayor for the first mayoral term following the change in form of government effective date at \$ _____."

To be Presented by:



I Robert Wall
City Attorney

Authorized for Council Consideration:


David R. Brickey
City Manager

Reviewed for Legal Sufficiency


Robert Wall
City Attorney's Office

BACKGROUND DISCUSSION:

UCA 10-2-818 provides that the governing body fix by ordinance the compensation of the office of Mayor. Commencing prior to the adoption of the FY 2019-2020 budget (“Budget”), the West Jordan City Council has discussed the salary and benefit entitlement of the office of Mayor as well as the manner of adoption of such under the Council-Mayor form of government which will commence January of 2020 in West Jordan City.

Recent changes made by the City Council to the West Jordan City Code (“City Code”) that become effective January 6, 2010 provide that the Mayor will be paid an annual salary consistent with the compensation schedule approved with the annual budget. The Budget (and attendant Budget document) provides funding for Mayor and elected official compensation. However, questions have arisen during recent City Council discussions as to whether certain language of the Budget document also sets the specific salary and benefits for the office of Mayor under the new form of government, as required by the soon-to-be-effective City Code changes.

The ordinance which is subject of this *Request for Council Action* is a proposal to assist the City Council in resolving the Mayor compensation question. If adopted the proposed ordinance provides and/or would clarify the following in the City Code:

1. The salary for the first elected Mayor under the new form of government;
2. The benefits to which the first elected Mayor is entitled under the new form of government;
3. The process for setting the salary and the benefits for any elected mayor that is elected following the first four-year term of the first elected Mayor under the new form of government;
4. The compensation to which an individual appointed to fill an unexpired term of a departed mayor is entitled; and
5. The role the West Jordan City Ethics Commission plays in the determination of compensation of West Jordan City elected officials.

Should the City Council choose to adopt the proposed ordinance, the motion to adopt the ordinance should also specify the dollar amount of the annual salary for the office of Mayor that will become effective on January 6, 2020. To assist the City Council in determining the specific dollar amount of the annual salary for the office of Mayor, the City Manager’s Office has provided a copy of a survey conducted by the Human Resource Office. The survey shows a comparison of Mayor compensation among nine cities in Utah that currently govern under the Council-Mayor form of government. The survey is included at the end of the materials that accompany this *Request for Council Action*.

THE CITY OF WEST JORDAN, UTAH
A Municipal Corporation

ORDINANCE NO. 19-410

**AN ORDINANCE AMENDING TITLE 1, "ADMINISTRATION"
OF THE WEST JORDAN CITY CODE REGARDING THE SALARY OF
THE MAYOR AND OTHER ELECTED OFFICIALS**

WHEREAS, the West Jordan ("City") City Council ("Council") adopted a City Code in 2009 ("City Code"), 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, in anticipation of the change in form of government in the City to the Mayor-Council form, which take effect in January 2020, the Council amended certain provisions of Title 1 of the City Code on November 13, 2019 by ordinances numbered 19-36 and 19-37, which changes are to take effect at 12:00 noon on January 6, 2020; and

WHEREAS, the Council finds and determines that the best interests of the public health and welfare will be met by the adoption of the following amendments to the November 13, 2019 amendments to Title 1 of the City Code.

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

Section 1. Amended. The November 13, 2019 amendments to Title 1, Chapter 7, Section 2 of the City Code are amended to read as follows:

1-7-2: MAYOR'S COMPENSATION:

- A. First Mayoral Term Following the Change of Government Effective Date: On the change of government effective date or following the time the mayor takes the oath of office, whichever is later, the mayor shall be paid an annual salary of \$ _____.
- B. Annual Cost of Living Increase: The mayor salary shall be increased each year on July 1 by the same cost-of-living factor applied to city employee salaries that become effective on the same July 1 ("Cost-of-living Increase").
- C. Mayoral Terms Subsequent to 2023: The mayor salary for mayoral terms following the first mayoral term under the Council-Mayor form of government, shall be determined as follows:
 1. During year four of each four-year mayoral term ("Year Four") and prior to the filing deadline during Year Four to run for elected office in the next subsequent four-year mayoral term ("Filing Deadline"), the city council shall determine the mayor salary for the next subsequent four-year mayoral term ("Successor Salary"). The Successor Salary shall be included in the fiscal year budget approved during Year Four ("Year Four Budget"). Should the

city council fail to either (i) determine the Successor Salary prior to the Filing Deadline, or (ii) fail to include the Successor Salary in the Year Four Budget, as provided in this paragraph, the Successor Salary shall be the same as that salary provided to the then current mayor in the Year Four Budget.

2. The Successor Salary will take effect on the date and at the time the elected individual to the office of mayor for the next subsequent four-year mayoral term is sworn into office.
3. Should any person elected to complete a full four-year mayoral term not complete such term ("Prior Mayor"), the individual appointed to complete the remainder of the four-year mayoral term shall receive the same salary provided to the Prior Mayor at the time the Prior Mayor left office.

D. Mayor Consent Required to Reduce Compensation: The mayor may voluntarily reduce his/her compensation for a given budget year, with the amount of the reduction to be placed in the general fund. The mayor's compensation may not be reduced during his/her term of office without his/her consent.

E. Mayor Salary Accrual; Timesheets; Benefits; Salary Increases: The mayor compensation will accrue and/or be distributed to the mayor each year over twenty-six (26) pay periods through the city's regular payroll system, including the withholding of state and federal taxes and state pension plan contributions. The mayor will not be required to submit time sheets. The mayor will also receive the standard benefits provided by the city to appointed officers of the city; provided that the mayor will neither (i) be allocated executive or compensatory leave, nor (ii) be entitled to merit or performance increases afforded City employees.

F. Increase in Mayor Compensation: Other than the Cost-of-Living Increase defined in 1-7-2 B., any increase in mayor compensation shall be consistent with the requirements of section 1-11A-18, as amended. (2001 Code § 2-4-404; amd. Ord. 13-24, 7-31-2013; Ord. 14-02, 1-29-2014; §1-7B-4, Ord. 19-37, 11-13-2019; Ordinance 19-_____ , Effective _____)

Section 2. Amended. The November 13, 2019 amendments to Title 1, Chapter 11A, Section 18 of the City Code are amended to read as follows:

1-11A-18: REVIEW OF PROPOSED INCREASES IN ELECTED OFFICIAL COMPENSATION:

Other than the Cost-of-Living Increase defined in subsection 1-7-2 B. provided to the mayor, before an increase in compensation for any elected official is approved by the city council, the commission shall review the proposed increase and shall make a recommendation to the city council relative to the proposed increase. After considering the commission's recommendation, the city council may approve an increase in compensation for an elected official after holding a public hearing and amending the applicable annual budget and amending any applicable ordinance if necessary. (Ord. 19-36, 11-13-2019; Ordinance 19-_____ Effective _____)

Section 3. Severability. If any provision of this Ordinance is found to be invalid by a court of competent jurisdiction, the same shall not affect the other terms or provisions of this Ordinance.

Section 4. Effective. This Ordinance shall become effective immediately upon posting as required by law.

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]

1-7-2: MAYOR'S COMPENSATION:

A. First Mayoral Term Following the Change of Government Effective Date: On the change of government effective date or following the time the mayor takes the oath of office, whichever is later, the mayor shall be paid an annual salary of \$ _____.

B. Annual Cost-of-Living Increase: The mayor salary shall be increased each year on July 1 by the same cost-of-living factor applied to city employee salaries that become effective on the same July 1 ("Cost-of-Living Increase").

C. Mayoral Terms Subsequent to 2023: The mayor salary for mayoral terms following the first mayoral term under the Council-Mayor form of government, shall be determined as follows:

1. During year four of each four-year mayoral term ("Year Four") and prior to the filing deadline during Year Four to run for elected office in the next subsequent four-year mayoral term ("Filing Deadline"), the city council shall determine the mayor salary for the next subsequent four-year mayoral term ("Successor Salary"). The Successor Salary shall be included in the fiscal year budget approved during Year Four ("Year Four Budget"). Should the city council fail to either (i) determine the Successor Salary prior to the Filing Deadline, or (ii) fail to include the Successor Salary in the Year Four Budget, as provided in this paragraph, the Successor Salary shall be the same as that salary provided to the then current mayor in the Year Four Budget.
2. The Successor Salary will take effect on the date and at the time the elected individual to the office of mayor for the next subsequent four-year mayoral term is sworn into office. The mayor shall be paid an annual salary consistent with the compensation schedule approved with the annual budget.
3. Should any person elected to complete a full four-year mayoral term not complete such term ("Prior Mayor"), the individual appointed to complete the remainder of the four-year mayoral term shall receive the same salary provided to the Prior Mayor at the time the Prior Mayor left office.

D. Mayor Consent Required to Reduce Compensation: The mayor may voluntarily reduce his/her own compensation for a given budget year, with the amount of the reduction to be placed in the general fund. The mayor's compensation may not be reduced during his/her term of office without his/her consent.

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F. Increase in Compensation: Other than the Cost-of-Living Increase defined in 1-7-2 B.,
~~a~~Any increase in mayor compensation ~~for the mayor~~ shall be consistent with the requirements of section 1-11A-18, as amended. (2001 Code § 2-4-404; amd. Ord. 13-24, 7-31-2013; Ord. 14-02, 1-29-2014; §1-7B-4, Ord. 19-37, 11-13-2019, Ordinance 19-
~~_____~~, Effective ~~at 12 noon on January 6, 2020~~_____).

1-11A-18: REVIEW OF PROPOSED INCREASES IN ELECTED OFFICIAL COMPENSATION:

Other than the Cost-of-Living Increase defined in 1-7-2 B. provided to the mayor, ~~B~~before an increase in compensation for any elected officials ~~may is be~~ approved by the city council, the commission shall review the proposed increase and shall make a recommendation to the city council relative to the proposed increase. After ~~receiving considering~~ the commission's recommendation, the city council may approve ~~the an~~ increase in compensation for an elected official after byholding a public hearing and amending the ~~compensation schedule which is approved with the applicable~~ annual budget and amending any applicable ordinance if necessary. (Ord. 19-36, 11-13-2019; Ordinance 19-
~~_____~~, Effective ~~at 12 noon on January 6, 2020~~_____)

Mayor's Compensation in Mayor-Council Cities

Entity	Population*	Annual Salary	Annual Salary w/ Extra Pay	Extra Pay Description	FT	Health	Retire	Dental	Life	401K	457	Updated
SALT LAKE CITY, UT	200,591	\$ 146,578	\$ 146,578		Y	Y	Y	Y	Y	Y	Y	07/16/2019
OGDEN, UT	87,325	\$ 133,766	\$ 138,566	\$400 Monthly vehicle allowance	Y	Y	Y	Y	Y	Y	Y	08/08/2019
SANDY, UT	96,901	\$ 127,572	\$ 127,572		Y	Y	Y	Y	Y	Y	Y	09/04/2019
PROVO, UT	116,702	\$ 121,200	\$ 121,200		Y	Y	Y	Y	Y	Y	N	09/11/2019
MURRAY, UT	49,308	\$ 115,394	\$ 117,694	Elected/Appointed Annuity	Y	Y	Y	Y	Y	Y	Y	08/23/2018
LOGAN, UT	51,619	\$ 93,309	\$ 96,309	\$3,000 Annual Car allowance	Y	Y	Y	Y	Y	Y	N	07/30/2019
TOOELE, UT	35,251	\$ 86,102	\$ 95,502	\$9,400 RDA Stipend	Y	Y	Y	Y	Y	Y	N	08/10/2017
TAYLORSVILLE, UT	60,192	\$ 92,815	\$ 92,815		Y	Y	Y	Y	Y	Y	Y	08/23/2019
SOUTH SALT LAKE, UT	25,365	\$ 81,492	\$ 81,492		Y	Y	Y	Y	Y	Y	Y	10/21/2019

Average of the Entire Group \$ 113,081

Average of Cities with Population between 49,000 and 116,000 \$ 115,693

* Population data from US Census <https://www.census.gov/quickfacts/fact/table/US/PST045218>

** Salary data compiled from Technet and confirmed with phone calls to cities