

ORDINANCE NO. 2021-_____

AN ORDINANCE OF THE CITY OF SOUTH SALT LAKE CITY COUNCIL MODIFYING CHAPTERS 4 AND 60 OF TITLE 2 AND REPEALING AND REPLACING CHAPTER 30 OF TITLE 2 OF THE SOUTH SALT LAKE CITY MUNICIPAL CODE TO CREATE A NEIGHBORHOODS DEPARTMENT IN SOUTH SALT LAKE CITY.

WHEREAS, Mayor Cherie Wood has determined that it is administratively advisable to create a new “Neighborhoods Department” within the City government, combining the responsibilities of the Public Assets Department and creating new responsibilities designed to facilitate community engagement among residents and businesses in the City; and

WHEREAS, the City Council of the City of South Salt Lake (the “City Council”) finds that the creation of the Neighborhoods Department is in the best interests of the residents of the City of South Salt Lake; and

WHEREAS, the City Council hereby determines that modifying Chapters 4 and 60 and repealing and replacing Chapter 30 of Title 2 of the South Salt Lake Municipal Code to create a Neighborhoods Department which will fulfill the duties of the repealed Public Assets Department and facilitate engagement opportunities within the city is in the best interest of the health, safety, and welfare of the citizens of South Salt Lake City;

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

SECTION 1. Enactment. Chapters 4 and 60 of Title 2 of the South Salt Lake Municipal Code is hereby amended and Chapter 60 is hereby repealed and replaced, as attached hereto and incorporated by reference in “Exhibit A.”

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 3. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

SECTION 4. Effective Date. This ordinance shall become effective upon Mayor’s signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

(signatures appear on separate page)

DATED this _____ day of _____, 2021.

BY THE CITY COUNCIL:

Sharla Bynum, Council Chair

ATTEST:

Craig D. Burton, City Recorder

City Council Vote as Recorded:

Huff	_____
Thomas	_____
Bynum	_____
Mila	_____
Siwik	_____
deWolfe	_____
Pinkney	_____

Transmitted to the Mayor's office on this _____ day of _____ 2021.

Craig D. Burton, City Recorder

MAYOR'S ACTION: _____

Dated this _____ day of _____, 2021.

Cherie Wood, Mayor

ATTEST:

Craig D. Burton, City Recorder

Exhibit A:

2.04.030 - Powers and duties.

2.04.030 - Powers and duties.

The mayor shall be the chief executive and administrative officer of the city and shall be given the power and duty to:

- A. Enforce the laws and ordinances of the city of South Salt Lake.
- B. Within fifteen (15) days of city council passage of policy, ordinance, tax levy or funds' appropriation:
 1. Approve and sign it; or
 2. Disapprove and return it to the city council.
- C. Execute the policies adopted by the city council.
- D. Prepare and submit to the city council a recommended fiscal year budget. This draft budget will be completed and submitted to the city council no later than the first regularly scheduled meeting in May of each year.
- E. Exercise control of all departments, offices and divisions within the city.
- F. Attend all city council meetings without the right to vote but with the right and responsibility to:
 1. Take part in all discussions;
 2. Inform the city council of the condition and needs of the city;
 3. Make recommendations;
 4. Freely give advice to the city council.
- G. Appoint with the advice and consent of the city council, qualified persons to:
 1.
 - a. City recorder;
 - b. City treasurer;
 - c. City attorney;
 - d. Police chief;
 - e. Fire chief;
 - f. Director of finance;
 - g. Director of urban livability;
 - h. Director of community and economic development;
 - i. Justice court administrator;
 - j. Human services and information resource director;
 - k. Director of public works;
 - l. Recreation director;
 - m. Deputy city attorney;
 - n. ~~Public assets director;~~ **Director of neighborhoods department;**
 - o. Deputy community and economic development director/housing administrator;
 - p. All statutory officers, commissions, boards and committees of the city.
2. No person may perform the functions of any position specified in paragraph G of this section without the prior consent of the municipal council.

H. The mayor may be the director of the human resources department, or may appoint a human services and information resource director, with the advice and consent of the city council. The mayor or human services and information resource director shall execute the duties and responsibilities set forth in this chapter.

1. Functional Responsibilities.

- a. The department of human resources' function is to provide administrative and technical direction to the city's personnel management system. This direction is subject to the limitations of applicable funds' appropriations, statutes and ordinances. These directions include, but shall not be limited to, the following:
 - i. Administering, with the advice of the city council, and when applicable, the mayor, the personnel management system;
 - ii. Providing for personnel procurement, including:
 - (A) Establishing and maintaining comprehensive personnel records for all city employees,
 - (B) A classification plan for all positions in city based on the level, difficulty of duties and responsibilities assumed,
 - (C) Recruitment, testing, selection and hiring of all city employees, including:
 - (1) Using written standards which have been reviewed and commented on by the city council,
 - (2) Administering examinations when practicable for all original appointments and promotions subject to testing,
 - (D) Plans for recruitment, examination and placement of persons to determine their relative fitness for positions,
 - (E) Eligibility lists for appointment and promotion;
 - iii. Preparing, recommending and enforcing policies and procedures for personnel administration;
 - iv. Giving personnel management advice and counsel including:
 - (A) Leadership in the development of effective personnel administration within all departments of the city,
 - (B) Advising the city council, and when applicable, the mayor, on utilization of personnel resources in the city;
 - v. Providing for the development of the city's personnel including:
 - (A) Programs for the improvement of employees' effectiveness. These should include such programs as management training, safety training, health counseling, and other programs that help develop and improve the employees of the city,
 - (B) Plans for Promotions. These plans should consider applicant's qualifications, record of performance and abilities; seling, and other programs that help develop and improve the employees of the city,
 - (B) Plans for Promotions. These plans should consider applicant's qualifications, record of performance and abilities;
 - vi. Providing personnel records and reports, including:
 - (A) Comprehensive personnel records of all city employees,
 - (B) Certifying all employees for payroll and other benefit purposes,

- (C) Certifying the appointment, promotion, demotion, discipline and other actions affecting city employees,
- (D) Making annual reports to the city council regarding the condition of the overall personnel management system,
- (E) Providing forms, procedures and methods for personnel recordkeeping,
- (F) Maintaining a roster of all city employees;
- vii. Providing a personnel salary and benefit program including:
 - (A) Preparation and recommendation to the city council of an equitable pay plan for all city employees,
 - (B) Computing for budgetary purposes the annual salary costs for all departments;
- viii. Providing an Employee Performance Evaluation Program. This program will serve as a basic factor in salary administration, promotions, establishing order of layoffs due to lack of funds or work, reinstatements, discharge or transfers;
- ix. Providing for handling employee grievances including:
 - (A) A process for resolving employee grievance and complaint prior to appeals,
 - (B) Coordination of procedures for disciplinary actions such as suspensions, demotions in rank or grade, or discharge,
 - (C) Providing for presentation of charges, hearings and appeals for all employees;
- x. The mayor may terminate or discipline executive and administrative employees, officers and departments heads. He or she may also appoint with the consent of the council or remove with cause members of boards, commissions and committees.

I. Furnish to the city council on a monthly basis financial reports that set forth:

1. Amounts of all budget appropriations;
2. Disbursements to date from these appropriations;
3. Percentage of the appropriations expected to date.

J. Execute or have executed agreements within certified budget appropriations on behalf of the city. All agreements are subject to the procedure described in UCA Section 10-6-138.

K. Approve and authorize administrative standards, procedures and programs in harmony with the policies established by the city council.

L. Propose amendments to this administrative code.

M. Act as official day-to-day representative in relationships with:

1. The press and other media representatives;
2. Governmental and quasi-governmental agencies;
3. The private sector;
4. Negotiations at which the city's interest must be represented;
5. Ceremonial occasions;
6. Communications between the city and the public.

N. Advocate city interests.

- O. Provide leadership to the city.
- P. Promote citizen involvement.
- Q. Promote city unity and solidarity.
- R. Recommend programs for the physical, economic, social and cultural development of the city.
- S. Solemnize marriages in accordance with the laws of the state of Utah.
- T. Formulate and recommend to the city council policies for adoption.
- U. Prepare and submit to the city council annual financial statements for the city. Included should be a report summarizing all city department operations. (UCA Section 12-3-1219.5.)
- V. Deliver to his/her successor (within five days after swearing-in ceremony) all property of every description in his/her possession belonging to the city or pertaining to the office of mayor.
- W. Perform such other duties as may be prescribed by ordinance or statute.
- X. Other powers necessary for the proper administration of the city.

(Ord. 2001-16 § 1; Ord. 96-24 § 1 (4.3))

(Ord. No. 2014-12, 5-28-2014; Ord. No. 2014-19, 7-30-2014; Res. No. 2015-07, 2-11-2015)

UCA References: 10-3-1219 Council-mayor form—Powers and duties of mayor.

2.30.010 Neighborhoods department.

- A. The department head will be a city employee, appointed with the advice and consent of the city council, by and reporting to the mayor.
- B. Definitions. As used in this section:
 - 1. “City events” means city-organized and sponsored events designed to promote the city and foster a stronger sense of community in the city.
 - 2. “Physical assets” includes city-owned real estate, city-owned or leased facilities, and city parks, but does not include city rights-of-way, city infrastructure, or city fleet.
- C. Functional Responsibilities. This department's function is to support the wellbeing of residents and businesses through effective use of city physical assets. This includes the responsible stewardship and usage of the city's physical assets in the best interest of the taxpayers. The department shall also coordinate services and activities to support community goals, as identified by the mayor. The services of this department are subject to the limitations of applicable funds' appropriations, statutes, and ordinances. These services include, but are not limited to, the following:
 - 1. In coordination with the city attorney, facilitate the acquisition, leasing, renting, and disposal of city physical assets, in compliance with applicable law.
 - 2. In coordination with the city recorder, create and maintain necessary records of city physical assets.
 - 3. Manage, maintain, and safeguard the city's physical assets.
 - 4. Develop and oversee a city capital improvement plan.
 - 5. Under the mayor's direction, facilitate community engagement with residents and businesses to assess interests in city events.

6. Under the mayor's direction, develop and oversee city communications and public relations in relation to the city's physical assets.
7. Under the mayor's direction, plan and execute city events, as needed.
8. Promote attendance at city events.
9. Facilitate volunteer efforts that advance identified community outcome goals.
10. Support all city departments in communications and engagement efforts.

2.30.010 - Public assets department.

~~A. The department head will be a city employee, appointed with the advice and consent of the city council, by and reporting to the mayor.~~

~~B. Functional Responsibilities. This department's function is to oversee the stewardship of the city's physical assets in the best interest of the taxpayers. The services of this department are subject to the limitations of applicable funds' appropriations, statutes, and ordinances. These services include, but are not limited to, the following:~~

- ~~1. Create and maintain records of all city physical assets.~~
- ~~2. Identify and use best practices in servicing and maintaining all city physical assets.~~
- ~~3. Develop and oversee a city capital improvement plan.~~
- ~~4. Develop sound practices for the acquisition, leasing, renting, and disposal of city real property and public use facilities.~~
- ~~5. Determine and administer all legal compliance requirements associated with city-owned property.~~
- ~~6. Determine and administer best practices for all construction activity affecting the city's property assets.~~
- ~~7. Determine and administer best practices relating to emergency repairs and use of city property during emergencies.~~
- ~~8. Administer all purchases relating to property assets as required by city policy and ordinances.~~
- ~~9. Safeguard and secure the city's property assets.~~

2.60.060 - Employment classification.

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- A. General Policy. The city will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime requirements under the Fair Labor Standards Act (FLSA) of 1938. The city will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, responsibility, and performed under similar working conditions, in accordance with the Fair Labor Standards Act of 1938 and the Equal Pay Act of 1963.
- B. Employment Classifications. There are three classifications of employees within the city:
 1. Full-Time. Employees hired for an indefinite period in a position for which the normal work schedule is forty (40) hours per week. Full-time employees may or may not qualify for specific city benefits and/or be members of the merit personnel system.
 2. Part-Time. Employees hired for an indefinite period in a position for which the normal work schedule is less than forty (40) hours per week. Part-time employees may or may not qualify for specific city benefits and/or be members of the merit personnel system.

3. Temporary/Seasonal. Employees hired for a position which is required for only a specific, known duration, usually less than six months. Temporary/seasonal employees may or may not qualify for specific city benefits and/or be members of the merit personnel system.

C. Employment Status.

1. To facilitate provisions of the Fair Labor Standards Act, employees shall also be classified as either exempt or nonexempt, with respect to eligibility for overtime payment. They shall be defined as:
 - a. Exempt. Positions of a managerial, administrative, or professional nature, as prescribed by federal and state labor statutes shall be exempt from minimum wage and mandatory overtime payment regulations.
 - i. Exempt employees have no right to overtime or compensatory time; however, the mayor may authorize compensatory time plans for exempt employees.
 - ii. Exempt employees may accrue compensatory time for hours in excess of forty (40) hours worked per week up to a maximum of eighty (80) hours of compensatory time. This time shall be calculated at a straight time rate.
 - iii. Exempt employees who accrue compensatory time have no property right or cash value in the accrued time. Use and/or scheduling of compensatory time is solely within the mayor's discretion.
 - iv. Upon termination of employment, for whatever reason, an exempt employee is not entitled to cash or other compensation in exchange for unused, accrued compensatory time.
 - b. Nonexempt. Positions of a clerical, technical, or service nature, as defined by federal and state labor statutes, which are covered by provisions for minimum wage and mandatory overtime payment regulations.
2. Positions Not in Merit Service and Exempt from FLSA. The following permanent full-time positions of employment in city government shall not be merit service, are exempt from the protections described in Utah Code Title 10, Chapter 3, Sections 1105 and 1106, and are exempt from FLSA:
 - a. Elected members of the city council, and staff;
 - b. The mayor, and his or her executive secretary/assistant;
 - c. The following heads of departments and administrators appointed by the mayor, with the advice and consent of the city council:
 - i. Police chief;
 - ii. City attorney;
 - iii. City engineer;
 - iv. City recorder;
 - v. City treasurer;
 - vi. Director of community and economic development;
 - vii. Director of urban livability;
 - viii. Director of finance;
 - ix. Director of public works;
 - x. Fire chief;
 - xi. Justice court judge;
 - xii. Recreation director;

- xiii. Human resources and information services director;
- xiv. Justice court administrator;
- xv. Deputy city attorney;
- xvi. ~~Public assets director;~~ **Director of neighborhoods department;**
- xvii. Deputy community and economic development director/housing administrator;

xviii. One confidential secretary or assistant to any of the foregoing officials as deemed necessary by the city council;

xix. Members of policy, advisory, review, and appeal boards, or similar bodies, who do not perform administrative duties as individuals.

3. Merit, Full-time Positions Exempt From FLSA. The following permanent full-time positions of employment in city government shall be exempt from FLSA provisions and shall be members of the merit personnel systems with the benefits accorded thereby:

- a. Assistant city attorney/prosecutor;
- b. Deputy city attorney;
- c. Fire battalion chief;
- d. Human resource administrator;
- e. MIS coordinator;
- f. Police captain;
- g. Programs director;
- h. Public works supervisor;
- i. Senior accountant.

4. Positions Not in Merit Service. The following positions of employment in city government shall not be merit service:

- a. People employed to make or conduct temporary and special inquiries, investigations or examinations on behalf of the mayor or city council;
- b. Volunteer personnel who receive no regular compensation from the city;
- c. Regular part-time and temporary/seasonal employees.

(Ord. 98-15 § 2 (part))

(Ord. No. 2014-12, 5-28-2014; Ord. No. 2014-19, 7-30-2014; Res. No. 2015-07, 2-11-2015)