



REQUEST FOR COUNCIL ACTION

Action: Need Council to take action

Meeting Date Requested : 9/22/2021

Presenter: Alan Anderson

Deadline of item : 9/22/2021

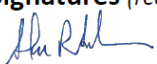
Department Sponsor: Council Office

Agenda Type: Business Item

Time Requested: 5 minutes presentation, 10 minute Council

(Council may elect to provide more or less time)

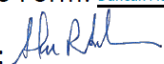
Approval Signatures *(required for all transmittals)*

Submitter: 

Dept. Head: 

Reviewed as to Form:  Duncan Murray Sep 16, 2021 09:23 MDT

Executive: 

Council Office: 

Council Committee: Committee of the Whole

1. AGENDA SUBJECT

Consider Ordinance No. 21-37 amending City Code related to council advice and consent to certain mayoral appointments.

2. EXECUTIVE SUMMARY

The Council asked to review the advice and consent processes addressing some inconsistencies in the current code. A workshop was held on May 12, 2021. The original desire was to provide advice and consent where policy and/or budget impacts had a nexus to the city and outside agencies.

Current State Law: State Law [10-3b-202\(d\)\(ii\)](#) requires advice and consent for each department head, statutory officers (Treasurer, Recorder, City Attorney, City Administrator, City Engineer) and member of a statutory commission, board or committee. (Planning Commission, Board of Adjustment)

Current City Code: West Jordan City Code [1-7-4\(D\)](#) requires the Mayor to seek council advice and consent for the following additional city positions: Human Resource Director, IT Director, members of the Executive Branch Standing committees, boards, and commissions and the Trans-Jordan Landfill City Representative ([WJCC 5-5-5\(B\)](#)) and South Valley Water Reclamation ([WJCC 9-4-3\(G\)](#))

Based on input from Council on May 12 as noted in the adopted minutes, the following code amendments are being suggested for adoption.

Amendments:

- Addition of Chapter 1-16 which covers all Multi-Jurisdictional Boards inclusive of: Trans-Jordan landfill (line 239), South Valley Water Reclamation (line 240), Nominees for the Jordan Valley Water Conservancy (appointed by the Governor) (line 246-254), South Salt Lake Mosquito Abatement District (line 241).
- Terms of Office: The City Rep terms are governed by the by-laws of the multi-jurisdictional entity. Where terms are not included in the agency's by-laws, the term is 3 years to be consistent with other appointments in City code.

- Reappointment of the same individual: Shall follow all the same procedures for advice & consent as when originally appointed. (line 201-206)
- Consistent with existing code for providing a report of at-will employees ([WJCC 1-7-4\(J\)](#)), the council will be advised of city representatives on all other multi-jurisdictional boards. (lines 199-200, 226-228)

3. TIME SENSITIVITY / URGENCY

These amendments should be adopted prior to the mayor making appointments at the end of the year.

4. BUDGET IMPACT

None

5. DEPARTMENT RECOMMENDATION

N/A

6. PLANNING COMMISSION RECOMMENDATION

N/A

7. MOTION RECOMMENDED

I move to approve Ordinance No. 21-37 amending City Code related to council advice and consent to certain mayoral appointments.

8. MAYOR RECOMMENDATION

9. PACKET ATTACHMENT(S)

Ordinance No. 21-37

10. OTHER INFORMATION

- Minutes from Council Work Session March 24, 2021 – See page 2-3

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(MAYORAL APPOINTMENTS AND COUNCIL ADVICE AND CONSENT,
SECTIONS 1-3-2, 1-6-5, 1-7-4, 1-16-1, AND 6-3I-1)**

WHEREAS, the City Council of the City (“City Council”) desires to amend certain sections of the City Code, regarding and related to mayoral appointments and council advice and consent (“proposed City Code amendments”); and

WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

Section 1. Amendment and Enactment of Code Provisions. City Code Sections 1-3-2, 1-6-5, and 1-7-4 are amended to read as shown on Attachment 1 to this Ordinance; and City Code Sections 1-16-1 and 6-3I-1 are enacted to read as shown on Attachment 1 to this Ordinance.

Section 3. Effective Date. This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

CITY OF WEST JORDAN

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Vice-Chair Kelvin Green

☐☐

Council Chair Zach Jacob

☐☐

Council Member Chad R. Lamb

☐☐

Council Member Christopher McConnehey

☐☐

Council Member David Pack

☐☐

Council Member Kayleen Whitelock

☐☐

Council Member Melissa Worthen

☐☐

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON _____.

Mayor's Action: _____ Approve _____ Veto

By: _____
Mayor Dirk Burton Date

ATTEST:

Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OE PASSAGE (check one)

_____ The Mayor approved and signed Ordinance No. 21-37.

_____ The Mayor vetoed Ordinance No. 21-37 on _____ and the
City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

_____ Ordinance No. 21-37 became effective by operation of law without the
Mayor's approval or disapproval.

Tangee Sloan
City Recorder

85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110

CERTIFICATE OF PUBLICATION

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the _____ day of _____, 2021. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

Tangee Sloan
City Recorder

(Attachment on the following page)

Attachment 1

[Attachment to ORDINANCE NO. 21-37

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(MAYORAL APPOINTMENTS AND COUNCIL ADVICE AND CONSENT,
SECTIONS 1-3-2, 1-6-5, 1-7-4, 1-16-1, AND 6-3I-1)]

Legislative Version:

1-3-2: DEFINITIONS:

[Additional definition, with all other definitions remaining as presently constituted.]

MULTI-JURISDICTIONAL BOARD: The board of directors, board of trustees, or similar board, commission, or committee of any entity which is comprised, at least in part, of two or more representatives from two or more municipalities or other governmental entities in the state of Utah.

1-6-5: DUTIES AND ACTS OF CITY COUNCIL:

- A. Council Duties: The city council, by majority vote in an open meeting, shall:
1. By ordinance, provide for the manner in which:
 - a. City property is bought, sold, traded, encumbered, or otherwise transferred; and
 - b. A subdivision or annexation is approved, disapproved, or otherwise regulated;
 2. Pass ordinances; appropriate funds, including tax levies; adopt fee schedules and service rates; and review city administration;
 3. Provide advice and consent for the mayor's appointments of:
 - a. the city administrator;
 - b. any other statutory officers and department heads, as defined in section 1-3-2 of this code;
 - c. the human resources director and information technology director;
 - d. members of executive branch standing committees, boards, and commissions, as defined in section 2-1-3 of this code;
 - e. representatives on any multi-jurisdictional board, as defined in section 1-3-2 of this code and as enumerated in section 1-16-1 of this code; and
 - f. ~~and~~ each position appointed by the mayor which is identified in this code as requiring the council's advice and consent;
 4. Perform all duties that the law imposes on the council, including appropriating emergency expenditures authorized by Utah Code section 10-6-129 and chapter 2a of title 53, or their successor provisions; and
 5. Elect one of its members to be the council chair, using the procedures set forth in section 1-6-9.
- B. Council Action: The city council's will is expressed by ordinance, resolution, declaration, budget approval and other written statements of policy and concern. In every case, unless otherwise required or allowed by law, the will of the city council shall be expressed in an open meeting by a majority vote of the city council, with a minimum of four (4) "yes" votes, regardless

of the number of council members present. No statement or act of any individual member of the city council shall be viewed as the will of the city council.

C. Presenting Council Action To Mayor, Veto, And Reconsideration: Consistent with Utah Code Annotated section 10-3b-204, or successor provisions:

1. The council shall present to the mayor each ordinance, tax levy, and appropriation passed by the council;

2. The mayor may veto an ordinance or tax levy or all or any part of an appropriation passed by the council;

3. If the mayor vetoes an ordinance or tax levy or all or any part of an appropriation, the mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the council presents the ordinance, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections; and

4. At its next meeting following a mayor's veto under subsection (2), the council shall reconsider the vetoed ordinance, tax levy, or appropriation.

D. When Council Action Takes Effect: An ordinance, tax levy, or appropriation passed by the council takes effect upon recording as provided in Utah Code Annotated title 10, chapter 3, part 7 (Municipal Ordinances, Resolutions, and Procedure), or successor provisions, if:

1. The mayor signs the ordinance, tax levy, or appropriation;

2. The mayor fails to sign the ordinance, tax levy, or appropriation within fifteen (15) days after the council presents the ordinance, tax levy, or appropriation to the mayor; or

3. Following a veto, the council reconsiders the ordinance, tax levy, or appropriation and passes it by a vote of at least two-thirds (2/3) of all council members. This two-thirds (2/3) vote means a minimum of five (5) "yes" votes, regardless of the number of council members present. (2001 Code § 2-3-106; amd. Ord. 09-13, 4-14-2009; Ord. 19-32, 10-23-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021)

1-7-4: DUTIES OF THE MAYOR:

The mayor shall:

A. Exercise the executive and administrative powers and perform or supervise the performance of the executive and administrative duties and functions of the city, and shall:

1. Directly supervise, unless the mayor delegates, the staff in the mayor's office, including the city administrator; and

2. Indirectly supervise other city departments, divisions, and employees through the city administrator.

B. Keep the peace and enforce the laws of the city.

C. Execute the policies adopted by the council.

D. Appoint, with the council's advice and consent, a qualified person for:

1. City administrator, based on the person's ability and prior experience in the field of local government administration and on any other qualification prescribed by ordinance;

2. Each other statutory officer and department head, as defined in section 1-3-2 of this code; and the human resources director and information technology director (no person may perform any of the functions of any of these positions without prior advice and consent of the council);

3. Each member of each executive branch standing committee, board, and commission, as defined in section 2-1-3 of this code; ~~and~~

4. Each representative on any multi-jurisdictional board, as defined in section 1-3-2 of this code and as enumerated in section 1-16-1 of this code; and

201 **45.** Each position appointed by the mayor which is identified in this code as requiring the
202 council's advice and consent.

203 E. Appoint, without the council's advice and consent, a qualified person for:

204 1. Each of the other appointed at-will employee positions not identified in subsection D
205 above;

206 2. Each member of each executive branch temporary committee, board, and commission, as
207 defined in section 2-1-3;

208 3. Each member of each internal committee of city employees (see section 2-1-1); and

209 4. Each position appointed by the mayor which is not identified in this code as requiring the
210 council's advice and consent.

211 F. Provide to the council, at intervals provided by ordinance, resolution, or council rule, a
212 written report to the council setting forth:

213 1. The amount of budget appropriations, including delivering the tentative annual budget to
214 the city council as early as practicable each year, according to the Uniform Fiscal Procedures Act
215 and title 3, chapter 8 of this code;

216 2. Total disbursements from the appropriations;

217 3. The amount of indebtedness incurred or contracted against each appropriation, including
218 disbursements and indebtedness incurred and not paid; and

219 4. The dollar amount and percentage of the appropriations encumbered.

220 G. Report to the council the condition and needs of the city.

221 H. Report to the council any release granted under subsection 1-7-5L.

222 I. If the mayor remits a fine or forfeiture under subsection 1-7-5J, report the remittance to the
223 council at the council's next regular meeting after the remittance.

224 J. Maintain a list of appointed at-will employee positions and the employees appointed to them,
225 and submit the list to the council semi-annually.

226 **K. Maintain a list of all multi-jurisdictional boards, as defined in section 1-3-2 of this code, as
227 well as the City Representatives appointed to the multi-jurisdictional boards enumerated in section
228 1-16-1 of this code, and submit the list to the council semi-annually.**

229 **KL.** Perform emergency duties, according to section 1-7-7, and each other duty prescribed by
230 statute or required by a city ordinance that is not inconsistent with statute.

231 **LM.** Cooperate with council investigative committees (see subsection 1-6-6D). (Ord. 19-37,
232 11-13-2019, Effective at 12 noon on January 6, 2020; amd. Ord. 21-04, 2-10-2021)

233 234 **CHAPTER 16 – MULTI-JURISDICTIONAL BOARDS**

235 **1-16-1: CITY PARTICIPATION ON MULTI-JURISDICTIONAL BOARDS:**

236 **A. Definition of Multi-jurisdictional Boards: See the definition in section 1-3-2 of this code.**

237 **B. Enumeration of Multi-jurisdictional Boards (Mayoral Appointments of City
238 Representatives):**

239 **1. Trans-Jordan cities landfill (see subsection 5-5-5B);**

240 **2. South Valley water reclamation facility (see subsection 9-4-3G); and**

241 **3. South Salt Lake Valley Mosquito Abatement District (see section 6-3I-1);**

242 **4. ~~Shall include the multi-jurisdictional board for every other entity for which the city makes
243 ongoing direct financial appropriations or contributions; and~~**

244 **5. ~~May include the multi-jurisdictional board for every other entity for which the city does
245 not make ongoing direct financial appropriations or contributions.~~**

C. Enumeration of Multi-jurisdictional Board (Mayoral Recommendation to the City Council to Nominate Two Names to the Governor for a City Representative):

1. Jordan Valley Water Conservancy District. The Mayor shall recommend two names for nomination, with the advice and consent of the City Council, or as otherwise required by Utah Code Annotated subsection 17B-2a-1005(2)(c)(ii)(A) or other applicable law, to the governor for appointment of a qualified person to represent the City on the board of directors or trustees of the Jordan Valley Water Conservancy District. The City Representative shall provide updates to the Council as frequently as requested by the Council and shall complete all other statutory and other responsibilities.

D. Term of Office for City Representatives to Multi-jurisdictional Boards: The terms of office for each city representative to a multi-jurisdictional board shall be as set forth by law or by the rules or by-laws of the appropriate entity; otherwise, the term of office shall be for three (3) years from the date of appointment. Unless otherwise prohibited by law, rules, or by-laws, a city representative may continue to hold over for up to three months or until a replacement is appointed.

E. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same city representative position) must follow all the same procedures as an initial appointment to a city representative position.

ARTICLE I – MOSQUITO ABATEMENT

6-3I-1: CITY REPRESENTATIVE(S) FOR SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT:

The Mayor shall appoint a qualified person (or persons), with the advice and consent of the City Council, to represent the City on the board of directors of the South Salt Lake Valley Mosquito Abatement District. The city representative (or representatives) shall provide updates to the council as frequently as requested by the Council.

Clean Version:

1-3-2: DEFINITIONS:

[Additional definition, with all other definitions remaining as presently constituted.]

MULTI-JURISDICTIONAL BOARD: The board of directors, board of trustees, or similar board, commission, or committee of any entity which is comprised, at least in part, of two or more representatives from two or more municipalities or other governmental entities in the state of Utah.

1-6-5: DUTIES AND ACTS OF CITY COUNCIL:

A. Council Duties: The city council, by majority vote in an open meeting, shall:

1. By ordinance, provide for the manner in which:

- a. City property is bought, sold, traded, encumbered, or otherwise transferred; and
- b. A subdivision or annexation is approved, disapproved, or otherwise regulated;

2. Pass ordinances; appropriate funds, including tax levies; adopt fee schedules and service rates; and review city administration;

3. Provide advice and consent for the mayor's appointments of:

- 292 a. the city administrator;
- 293 b. any other statutory officers and department heads, as defined in section 1-3-2 of this
- 294 code;
- 295 c. the human resources director and information technology director;
- 296 d. members of executive branch standing committees, boards, and commissions, as defined
- 297 in section 2-1-3 of this code;
- 298 e. representatives on any multi-jurisdictional board, as defined in section 1-3-2 of this code
- 299 or as enumerated in section 1-16-1 of this code; and
- 300 f. each position appointed by the mayor which is identified in this code as requiring the
- 301 council's advice and consent;

302 4. Perform all duties that the law imposes on the council, including appropriating emergency

303 expenditures authorized by Utah Code section 10-6-129 and chapter 2a of title 53, or their

304 successor provisions; and

305 5. Elect one of its members to be the council chair, using the procedures set forth in section

306 1-6-9.

307 B. Council Action: The city council's will is expressed by ordinance, resolution, declaration,

308 budget approval and other written statements of policy and concern. In every case, unless

309 otherwise required or allowed by law, the will of the city council shall be expressed in an open

310 meeting by a majority vote of the city council, with a minimum of four (4) "yes" votes, regardless

311 of the number of council members present. No statement or act of any individual member of the

312 city council shall be viewed as the will of the city council.

313 C. Presenting Council Action To Mayor, Veto, And Reconsideration: Consistent with Utah

314 Code Annotated section 10-3b-204, or successor provisions:

315 1. The council shall present to the mayor each ordinance, tax levy, and appropriation passed

316 by the council;

317 2. The mayor may veto an ordinance or tax levy or all or any part of an appropriation passed

318 by the council;

319 3. If the mayor vetoes an ordinance or tax levy or all or any part of an appropriation, the

320 mayor shall return the ordinance, tax levy, or appropriation to the council within 15 days after the

321 council presents the ordinance, tax levy, or appropriation to the mayor, with a statement

322 explaining the mayor's objections; and

323 4. At its next meeting following a mayor's veto under subsection (2), the council shall

324 reconsider the vetoed ordinance, tax levy, or appropriation.

325 D. When Council Action Takes Effect: An ordinance, tax levy, or appropriation passed by the

326 council takes effect upon recording as provided in Utah Code Annotated title 10, chapter 3, part 7

327 (Municipal Ordinances, Resolutions, and Procedure), or successor provisions, if:

328 1. The mayor signs the ordinance, tax levy, or appropriation;

329 2. The mayor fails to sign the ordinance, tax levy, or appropriation within fifteen (15) days

330 after the council presents the ordinance, tax levy, or appropriation to the mayor; or

331 3. Following a veto, the council reconsiders the ordinance, tax levy, or appropriation and

332 passes it by a vote of at least two-thirds (2/3) of all council members. This two-thirds (2/3) vote

333 means a minimum of five (5) "yes" votes, regardless of the number of council members

334 present. (2001 Code § 2-3-106; amd. Ord. 09-13, 4-14-2009; Ord. 19-32, 10-23-2019, Effective at

335 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021)

336

337 1-7-4: DUTIES OF THE MAYOR:

338 The mayor shall:

339 A. Exercise the executive and administrative powers and perform or supervise the performance
340 of the executive and administrative duties and functions of the city, and shall:

341 1. Directly supervise, unless the mayor delegates, the staff in the mayor's office, including the
342 city administrator; and

343 2. Indirectly supervise other city departments, divisions, and employees through the city
344 administrator.

345 B. Keep the peace and enforce the laws of the city.

346 C. Execute the policies adopted by the council.

347 D. Appoint, with the council's advice and consent, a qualified person for:

348 1. City administrator, based on the person's ability and prior experience in the field of local
349 government administration and on any other qualification prescribed by ordinance;

350 2. Each other statutory officer and department head, as defined in section 1-3-2 of this code;
351 and the human resources director and information technology director (no person may perform
352 any of the functions of any of these positions without prior advice and consent of the council);

353 3. Each member of each executive branch standing committee, board, and commission, as
354 defined in section 2-1-3 of this code;

355 4. Each representative on any multi-jurisdictional board, as defined in section 1-3-2 of this
356 code and as enumerated in section 1-16-1 of this code; and

357 5. Each position appointed by the mayor which is identified in this code as requiring the
358 council's advice and consent.

359 E. Appoint, without the council's advice and consent, a qualified person for:

360 1. Each of the other appointed at-will employee positions not identified in subsection D
361 above;

362 2. Each member of each executive branch temporary committee, board, and commission, as
363 defined in section 2-1-3;

364 3. Each member of each internal committee of city employees (see section 2-1-1); and

365 4. Each position appointed by the mayor which is not identified in this code as requiring the
366 council's advice and consent.

367 F. Provide to the council, at intervals provided by ordinance, resolution, or council rule, a
368 written report to the council setting forth:

369 1. The amount of budget appropriations, including delivering the tentative annual budget to
370 the city council as early as practicable each year, according to the Uniform Fiscal Procedures Act
371 and title 3, chapter 8 of this code;

372 2. Total disbursements from the appropriations;

373 3. The amount of indebtedness incurred or contracted against each appropriation, including
374 disbursements and indebtedness incurred and not paid; and

375 4. The dollar amount and percentage of the appropriations encumbered.

376 G. Report to the council the condition and needs of the city.

377 H. Report to the council any release granted under subsection 1-7-5L.

378 I. If the mayor remits a fine or forfeiture under subsection 1-7-5J, report the remittance to the
379 council at the council's next regular meeting after the remittance.

380 J. Maintain a list of appointed at-will employee positions and the employees appointed to them,
381 and submit the list to the council semi-annually.

K. Maintain a list of all multi-jurisdictional boards, as defined in section 1-3-2 of this code, as well as the City Representatives appointed to the multi-jurisdictional boards enumerated in section 1-16-1 of this code, and submit the list to the council semi-annually.

L. Perform emergency duties, according to section 1-7-7, and each other duty prescribed by statute or required by a city ordinance that is not inconsistent with statute.

M. Cooperate with council investigative committees (see subsection 1-6-6D). (Ord. 19-37, 11-13-2019, Effective at 12 noon on January 6, 2020; amd. Ord. 21-04, 2-10-2021)

CHAPTER 16 – MULTI-JURISDICTIONAL BOARDS

1-16-1: CITY PARTICIPATION ON MULTI-JURISDICTIONAL BOARDS:

A. Definition of Multi-jurisdictional Boards: See the definition in section 1-3-2 of this code.

B. Enumeration of Multi-jurisdictional Boards (Mayoral Appointments of City Representatives):

1. Trans-Jordan cities landfill (see subsection 5-5-5B);
2. South Valley water reclamation facility (see subsection 9-4-3G); and
3. South Salt Lake Valley Mosquito Abatement District (see section 6-3I-1).

C. Enumeration of Multi-jurisdictional Board (Mayoral Recommendation to the City Council to Nominate Two Names to the Governor for a City Representative):

1. Jordan Valley Water Conservancy District. The Mayor shall recommend two names for nomination, with the advice and consent of the City Council, or as otherwise required by Utah Code Annotated subsection 17B-2a-1005(2)(c)(ii)(A) or other applicable law, to the governor for appointment of a qualified person to represent the City on the board of directors or trustees of the Jordan Valley Water Conservancy District. The City Representative shall provide updates to the Council as frequently as requested by the Council and shall complete all other statutory and other responsibilities.

D. Term of Office for City Representatives to Multi-jurisdictional Boards: The terms of office for each city representative to a multi-jurisdictional board shall be as set forth by law or by the rules or by-laws of the appropriate entity; otherwise, the term of office shall be for three (3) years from the date of appointment. Unless otherwise prohibited by law, rules, or by-laws, a city representative may continue to hold over for up to three months or until a replacement is appointed.

E. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same city representative position) must follow all the same procedures as an initial appointment to a city representative position.

ARTICLE I – MOSQUITO ABATEMENT

6-3I-1: CITY REPRESENTATIVE(S) FOR SOUTH SALT LAKE VALLEY MOSQUITO ABATEMENT DISTRICT:

The Mayor shall appoint a qualified person (or persons), with the advice and consent of the City Council, to represent the City on the board of directors of the South Salt Lake Valley Mosquito Abatement District. The city representative (or representatives) shall provide updates to the council as frequently as requested by the Council.



MINUTES OF THE CITY OF WEST JORDAN CITY COUNCIL WORK SESSION

Wednesday, May 12, 2021 - 5:30 pm

Approved June 9, 2021

West Jordan City Council Chambers • 8000 S Redwood Road • West Jordan, UT 84088

COUNCIL: Chair Zach Jacob (left at 9:32 p.m.), Vice-Chair Kelvin Green, Chad Lamb (joined at 8:28 p.m.), Christopher McConnehey, David Pack, Kayleen Whitelock, and Melissa Worthen

STAFF: IT Director Robert Allred, Council Office Director Alan R. Anderson, Community Engagement & Government Affairs Director Tauni Barker, Mayor Dirk Burton, Public Works Director Brian Clegg, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, Deputy Police Chief Travis Rees, Administrative Services Director Danyce Steck, Assistant City Attorney Jared Tingey, and City Attorney Robert Wall (Lia)

PUBLIC: Alexandra Eframo, Brandy Wright, Carlton Christensen, Schule Bishop, GG Avante, Eric Callison, Vic Groves, Shirley Hollingsworth, Erin Dickson

CALL TO ORDER

Council Chair Jacob called the work session to order at 5:30 pm and noted the work session was open to the public in Council Chambers, available remotely via Zoom, and streamed live on YouTube.

A. Process of Naming Streets

The City Council discussed the process for naming streets during multiple previous Council meetings. In March of 2021, the Council requested that Staff draft an ordinance to amend the process. Senior Assistant Attorney Jared Tingey presented the drafted ordinance and asked for Council feedback. He explained that street name requests from citizens would follow the same process as internal City requests.

Council Vice Chair Green suggested that consideration and possible approval of fee waiver requests by the Council occur prior to the public hearing for a street name change request. He also suggested simplifying the public notice section of the ordinance by referencing current public notice practices.

Council Member McConnehey suggested the ordinance include clarification that the City did not recognize honorary or alias street names. He requested the document include clarification of the role of the Mayor in the process, and said he agreed with Council Vice Chair Green's suggestions regarding public notice, with the exception that he did not believe it necessary to publish notice in the newspaper.

Regarding the Mayor's role in the process, Council Vice Chair Green suggested the Council approve street name change requests by ordinance, which automatically involve mayoral review and signature. Mr. Tingey responded most cities adopt street name changes by resolution, but there was

no reason it could not be done by ordinance in West Jordan. City Attorney Rob Wall discussed with the Council possible complications and options to separate a fee waiver request from consideration and public hearing for a street name change request.

Council Member Lamb commented that street name change requests were not received by the City often and suggested more Staff time was being spent on the issue than the City would get back in fees from name change requests. He suggested the Council move forward with the issue and stop spending additional Staff time. Council Member Worthen said she agreed.

Council Office Director Alan R. Anderson commented that recent State legislation eliminated the need for newspaper noticing in this situation. He said the Council would review amendments to City Code to comply with recent legislation at the next Council meeting.

B. Board Appointee Requirements

Council Office Director Alan R. Anderson explained that State Code 10-3b-202(d)(ii) required the Mayor to seek Council advice and consent for the following positions: each Department Head; each Statutory Officer (Treasurer, Recorder, City Attorney, City Administrative, City Engineer); and each member of a Statutory Commission, Board or Committee (Planning Commission, Board of Adjustment, statutory committees). City Code 1-7-4(D) required the Mayor to seek Council advice and consent for appointment to the following positions: Human Resource Director; Information Technology Director; members of Executive Branch standing committees, boards, and commissions; and the Trans-Jordan Landfill City representative.

Mr. Anderson asked the City Council if they wanted to provide advice and consent for appointment of citizens to:

- Executive Branch standing committees, boards, and commissions;
- Jordan Valley Water Conservancy District Board nominees;
- South Valley Water Reclamation Facility Board Member; and
- Terms of service or at-will appointments.

Council Chair Jacob said he believed appointments to volunteer committees could be handled by the Mayor without the City Council weighing in. Council Member Whitelock said she disagreed, and said she believed it was good for the Council to look over volunteer appointments because individual Council Members may know something about citizen nominees that may have impact on the volunteer positions. She said she believed the Council should provide advice and consent for nominees or appointments to the Jordan Valley Water Conservancy District Board and the South Valley Water Reclamation Facility Board, and said she agreed with assigning a term to the positions.

Council Member Pack said he agreed it was good to have checks and balances, and said he agreed with assigning renewable terms to positions. Council Member McConnehey said he agreed with the Council providing advice and consent for appointments to standing committees, boards, and commissions to show that the Council encouraged public engagement, but said he was not sure terms of service were necessary. Council Member Worthen said she agreed with the Council providing advice and consent for appointment of citizens to the positions listed, and said she liked the idea of terms of service.

Mr. Anderson commented that appointments to Executive Branch standing committees, boards, and commissions already required advice and consent of the Council, and already included terms of service. Council Member Whitelock repeated her opinion that the Council should have an

opportunity to provide advice and consent for appointments to the Jordan Valley Water Conservancy District Board and the South Valley Water Reclamation Facility Board, and that terms of service should be established. Mayor Burton agreed that individuals appointed to the two boards made a difference to what happened in West Jordan. He said he would not have a problem with asking the Council for advice and consent of nominees.

Council Vice Chair Green said he did not believe the Council provided meaningful advice and consent and said he would rather see the advice and consent more meaningful. He said he would prefer to eliminate Council advice and consent for appointments to Executive Branch standing committees, boards, and commissions. Council Vice Chair Green said he believed the Council should have an opportunity to provide advice and consent for City representatives on the Jordan Valley Water Conservancy District Board and the South Valley Water Reclamation Facility Board due to the financial responsibility involved and did not have a preference regarding terms of service or at-will appointments.

Council Member Pack said the Mayoral Appointment Subcommittee did review background information for nominees. Council Member Lamb said he did not feel they dug too deep but did like being able to review nominees.

Mayor Burton said the Trans-Jordan Landfill and Jordan Valley Water Conservancy District Board had established terms of service. He said he was aware that City representatives to the Trans-Jordan Landfill and Jordan Valley Water Conservancy District Board did not intend to continue in those roles when current terms of service were complete. Mr. Anderson added the City also had a representative on the Salt Lake County Mosquito Abatement Board. Council Chair Jacob said he would like the Council to have an opportunity to provide advice and consent for the representative on the Mosquito Abatement Board as well.

Council Chair Jacob summarized that the Council wanted to keep the opportunity for advice and consent for the Executive Branch volunteer committees, and have the opportunity to provide advice and consent for the Jordan Valley Water Conservancy District Board, the South Valley Water Reclamation Facility Board, and the Salt Lake County Mosquito Abatement Board. He suggested four-year terms of service consistent with the mayoral election cycle.

C. New Business

The Council reviewed new business items expected to appear on future meeting agendas.

- a. Text Amendment – Public Noticing;** Amend the 2009 City Code, Sections Affecting Public Notice Requirements; amendments would require the use of the state notice website and would not require using newspaper notice; City-wide applicability; City of West Jordan (applicant) [*Tangee Sloan, City Recorder*]

Council Chair Jacob adjourned the work session at 6:34 p.m.

I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on May 12, 2021. This document constitutes the official minutes for the West Jordan City Council Meeting.

Cindy M. Quick, MMC
Council Office Clerk

Approved this 9th day of June 2021

8a - Advice & Consent Amendments

Final Audit Report

2021-09-16

Created:	2021-09-16
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAJW1ZdwiqZ2Lg6vpKsHtGthys_-ztNHQ3

"8a - Advice & Consent Amendments" History

-  Document created by Cindy Quick (Cindy.quick@westjordan.utah.gov)
2021-09-16 - 2:25:09 PM GMT- IP address: 207.225.200.66
-  Document emailed to Duncan Murray (duncan.murray@westjordan.utah.gov) for signature
2021-09-16 - 2:26:07 PM GMT
-  Email viewed by Duncan Murray (duncan.murray@westjordan.utah.gov)
2021-09-16 - 3:20:13 PM GMT- IP address: 73.52.173.73
-  Document e-signed by Duncan Murray (duncan.murray@westjordan.utah.gov)
Signature Date: 2021-09-16 - 3:23:46 PM GMT - Time Source: server- IP address: 73.52.173.73
-  Document emailed to Alan Anderson (alan.anderson@westjordan.utah.gov) for signature
2021-09-16 - 3:23:48 PM GMT
-  Email viewed by Alan Anderson (alan.anderson@westjordan.utah.gov)
2021-09-16 - 3:33:05 PM GMT- IP address: 207.225.200.66
-  Document e-signed by Alan Anderson (alan.anderson@westjordan.utah.gov)
Signature Date: 2021-09-16 - 3:33:19 PM GMT - Time Source: server- IP address: 207.225.200.66
-  Document emailed to Korban Lee (korban.lee@westjordan.utah.gov) for signature
2021-09-16 - 3:33:21 PM GMT
-  Email viewed by Korban Lee (korban.lee@westjordan.utah.gov)
2021-09-16 - 8:41:21 PM GMT- IP address: 207.225.200.66
-  Document e-signed by Korban Lee (korban.lee@westjordan.utah.gov)
Signature Date: 2021-09-16 - 8:41:35 PM GMT - Time Source: server- IP address: 207.225.200.66
-  Document emailed to Alan R Anderson (alan.anderson@westjordan.utah.gov) for signature
2021-09-16 - 8:41:37 PM GMT

 Email viewed by Alan R Anderson (alan.anderson@westjordan.utah.gov)
2021-09-16 - 9:40:34 PM GMT- IP address: 207.225.200.66

 Document e-signed by Alan R Anderson (alan.anderson@westjordan.utah.gov)
Signature Date: 2021-09-16 - 9:43:43 PM GMT - Time Source: server- IP address: 207.225.200.66

 Agreement completed.
2021-09-16 - 9:43:43 PM GMT