

City of La Verkin

435 North Main St., La Verkin, Utah, 84745
(435) 635-2581 Fax (435) 635-2104
www.laverkin.org

La Verkin City Council Work Meeting Minutes

Wednesday, March 2, 2022, 5:00 pm.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Kelly Wilson, Council Members: Richard Hirschi, Patricia Wise, Blair Gubler, Micah Gubler, and Chuck Hardy; Staff: Kyle Gubler and Kevin Bennett, Public: John Valenti.

Kevin gave a presentation/training titled Council Member Powers, Duties, Authority, Limitations, & Relationships with City Employees, Divisions, Commissioner, Boards & Committees. See Exhibit A.

Adjourn:

The meeting adjourned at 5:54 pm.

April 20, 2022

Date Approved

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

Kelly B. Wilson
Mayor Kelly B. Wilson

Council Member Powers, Duties, Authority, Limitations, & Relationships with City Employees, Divisions, Commissions, Boards, & Committees

Kevin R. Bennett

LaVerkin City Attorney
(March 2, 2022)

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Introduction / A Brief History:

- ▶ I came to LaVerkin in May 2007.
 - ▶ Appearance of "All is Well"
 - ▶ 6 weeks later, it all changed: \$\$\$ problems → soft freeze →
hard freeze → deep freeze → TROUBLE
 - ▶ Financial Woes - Lack of Accountability - Reduction in Force ("RIF")
 - ▶ City Finances "upside down" - No money - Loss of Personnel - Loss of Faith
 - ▶ Desire for change and more accountability

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Challenges!

▶ \$\$\$\$\$

Careful review/reworking of the City's finances

▶ Form of Government

Careful re-examination of the form of the City's local government and possible changes thereto

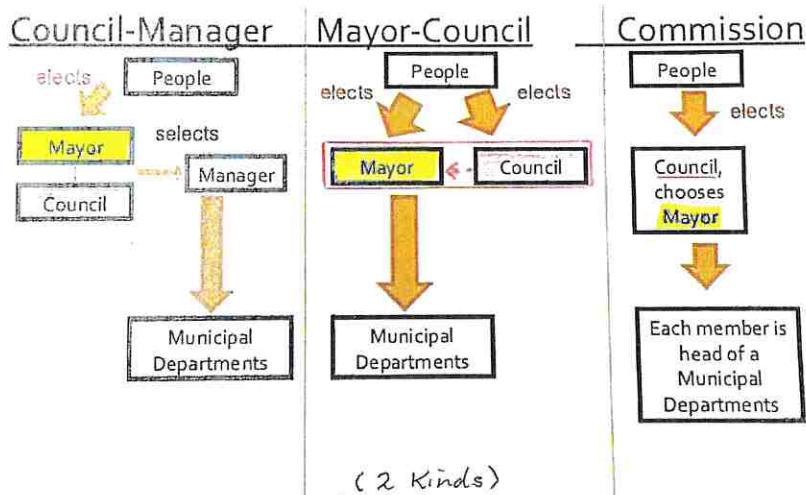
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3 Forms of Local Government in Utah

- ▶ **Commission** (*mixed legislative/administrative*)
- ▶ **Council-Manager** (*city council, with a professional CEO*) (*by vote or ordinance*)
- ▶ **Council** (*or Council-Mayor*)
 - ▶ Traditional (6 Member CC)
 - ▶ Alternate (Council-Mayor)

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Forms of Municipal Government



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Two Kinds of Mayor-Council forms of Local Government

Mayor-Council

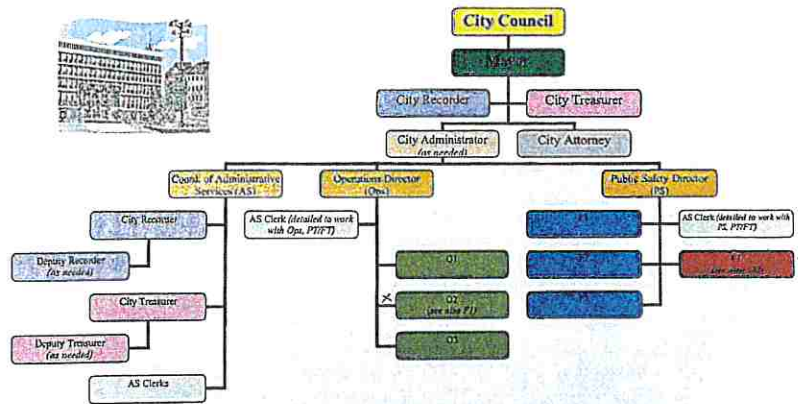
- ▶ Also known as the “strong mayor” - council form of government
- ▶ Separation of Powers
- ▶ Executive and Legislative branches
- ▶ Staff and employees work for the executive branch (mayor)
- ▶ Council: solely legislative in nature
- ▶ Mayor has veto power
- ▶ An Alternate form of City Government in Utah (usually for larger cities)

6-Member Council

- ▶ Also known as the “weak mayor” - council or council-mayor form of government
- ▶ No separation of powers
- ▶ Mayor is a part of the Council, but serves as its chairman; no veto power; generally cannot vote
- ▶ Mayor is the chief administrative officer, to whom staff and employees report; and Council is the law and policy maker.
- ▶ Council members may be given administrative authority & responsibilities (not inherent in being on the Council)
- ▶ The traditional / “default” form of local government in Utah for municipalities.

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La Verkin City – Local Government Structure



Six-Member Traditional City Council Form of Government (Mayor is a Member of the City Council)

AS=Admin. Svcs. O=Ops. P=Police P=Fire

Effective February 2009

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Description of Structure	
City Council	Includes the Mayor, enacts legislation and sets policy for the City, and has such administrative responsibilities as assigned.
Mayor	Is the chief administrative officer and works directly with the City Council, the City Attorney, and the City Recorder and the City Treasurer, and the three Director-Level Positions (i.e., Coordinator of Administrative Services, Operations Director, and Public Safety Director), personally and/or through his Assistant, Chief of Staff, or City Administrator. The Mayor evaluates the City Attorney, City Administrator, City Recorder, and City Treasurer (and the Directors, when there is no City Administrator).
City Administrator	Appointed by the Mayor, with the advice and consent of the City Council; supervises and administers the day-to-day operations of the City, working with the Directors, City Recorder, City Treasurer, and City Attorney.
City Attorney	Works directly for the Mayor and Council, and also provides assistance to the City Administrator, Directors, City Recorder, City Treasurer, and other City employees (as needed).
Recorder	Is a statutory officer appointed by the Mayor (with the advice and consent of the Council), who works directly for the Mayor, but is a member of the Administrative Services Division (and is responsible thereto to provide such assistance as may be needed in such division).
Treasurer	Is a statutory officer appointed by the Mayor (with the advice and consent of the Council), who works directly for the Mayor, but is a member of the Administrative Services Division and is responsible thereto to provide such assistance as may be needed in such division.
Coord. Admin. Services	Is appointed by the Mayor (with the advice and consent of the Council), and may be the City Recorder, the City Treasurer, or some other individual appointed by the Mayor (with the advice and consent of the Council); subject to the direct supervision of the City Recorder and City Treasurer to their statutory duties, the ASD directs and coordinates the provision of administrative services of the City—ensuring that the duties and responsibilities of the Recorder's and Treasurer's offices, performed by employees within the division, are kept separate to the extent feasible and required by law.
Operations Director	Directs public works and the provision of municipal services, is appointed by the Mayor (with the advice and consent of the Council).
Public Safety Director	[Also known as the <i>Chief of Police</i>] - Directs all public safety operations of the City (including police, fire and rescue) and is appointed by the Mayor (with the advice and consent of the Council).
Admin. Services clerks	Work jointly for the Administrative Services Director and any other division director to which they have been assigned (part-time or full-time) to provide clerk, secretarial and/or other administrative assistance services.

For personnel evaluation purposes:

- The City Administrator and City Attorney are evaluated by the Mayor.
- The City Recorder and City Treasurer are evaluated by the Mayor, with the input of the City Administrator and Coordinator of Administrative Services.
- Division Directors are evaluated by the City Administrator (if there is one), and senior-rated by the Mayor.
- Employees are evaluated by their division directors and senior-rated by the City Administrator (or Mayor, if there is no City Administrator); provided:
 - That when there are deputies to the City Recorder and/or City Treasurer, the deputies will be evaluated by the individual they assist (Recorder or Treasurer); and senior-rated by the City Administrator (or Mayor, if there is no City Administrator), with the input of the Director of Administrative Services.
 - That when AS clerks are assigned to perform duties within another division (part-time or full-time), they shall be rated by the Director of Administrative Services, with the input of the Director for whom the clerk provided such duties.
 - That Operations employee(s) who also provide(s) fire protection services for the City shall be evaluated by the Operations Director, with the input of the Public Safety Director.

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Change from Council-Manager
Form to 6-Member Council
Form of Government

CITY COUNCIL

- ▶ Law- and Policy-making Body
- ▶ Appeals Authority

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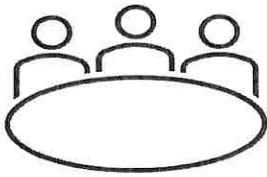
CITY COUNCIL

Law, Policy,
Regulations, Land Use
Authority, and Appeals
Authority

- ▶ Makes such laws, policies, and regulations as are consistent with the authority granted by the State of Utah and *The LaVerkin City Code*, to regulate and provide for the interests of the City and its residents, businesses, and employees
- ▶ Often the land use authority or the ultimate appeals authority within the City (before the Courts): e.g., land use, zoning, development, personnel matters, GRAMA records requests, etc.
- ▶ Acts as a BODY (convened in a public meeting with a quorum present), and not typically in an INDIVIDUAL CAPACITY (unless specifically assigned/charged to do so by the City Council) (no special access to City personnel/resources for own desires/agenda)

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CITY COUNCIL



- ▶ Unless specifically provided for in the City Code or by express delegation of authority from the City Council:
 - ▶ **NOT "OVER"** divisions, employees, committees, boards or commissions (*over = mishomer*), *no special access thereto for individual desires "pet projects"*
 - ▶ But may be designated as Council representatives, liaisons, and communications links with the City Council (and looked to as "subject matter experts" for the Council in the areas where assigned to represent the Council)
 - ▶ Unless specifically directed and authorized to do so, whether or not assigned by the Council: must be careful **not** to **CONTROL, DOMINATE, DICTATE, OR UNDULY INFLUENCE** the **DIRECTION, DISCUSSIONS, USE OF FUNDS OR ASSETS, or SUBJECT MATTER** of City divisions, staff administrative/development meetings, and/or City committees, boards, or commissions—particularly:
 - ▶ Statutory and ordinance-created boards and commissions which make recommendations to the City Council (e.g., land use planning, zoning, and development)
 - ▶ Boards or commissions from which an appeal may be taken to the City Council (e.g., land use, zoning, and development)
 - ▶ Matters for which the City Council may be the appeals board (e.g., personnel matters, records requests, etc.)

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MAYOR

Chairman of the "Board" (City Council)

Generally a "nonvoting member of the Council"

Chief Administrative Officer of the City

- ▶ The **Chief Administrative Officer**, who administers and executes the will of the Council (as expressed through its ordinances, resolutions, policies, regulations, and directions as a body), including the day-to-day operations of the City.
- ▶ The officer (along with the City Administrator) involved in the preliminary stages of personnel actions, records requests, and other employment and administrative matters.
- ▶ The representative of the City Council **to whom the officers and division directors/coordinators report and answer**.
- ▶ Assignments and tasks from outside the City or from the City Council go through, are approved by, and passed on to the officers, division directors/coordinators, from the Mayor (or the City Administrator):
 - ▶ To ensure proper and reasonable use of City personnel and other City assets/resources.
 - ▶ To avoid cross- or inconsistent instructions/directions/priorities to the division directors/coordinators.
 - ▶ To prevent the "overloading" of division directors/coordinators and the "spreading thin" of the City's limited manpower, monies, and other assets/resources.

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1-6B-4: RELATIONSHIP OF CITY COUNCIL TO ADMINISTRATIVE SERVICE:

To promote effective management practices and establish appropriate lines of authority and communication, the interrelationship of the city council and administrative service shall be as follows:

A. Daily Administration; Overturning Decision:

The city council, its members and the mayor, and any city council committee, shall allow the operations of all operational departments of the city to be conducted by and through the director of operations, in conjunction with the city manager*.

No individual member of the city council shall be involved with the daily operations of the city, either in directing the work of employees or in the expenditure of funds.

Neither shall the city council, except as a whole, interfere with the director of operations to prevent him or her from exercising his or her judgment in the direction of employees in the operational departments of the city.

If a decision of the director of operations is deemed improper by the city manager* or a majority vote of the city council, the decision will be overturned.

B. Answerable To City Manager: The director of operations shall be answerable to the city manager* for the day to day operations of the city pursuant to the duties outlined herein. (Ord. 2006-17, 6-7-2006)

Example from our City Code: Section 1-6B-4

* City Administrator

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Post-adoption/implementation of the New Form and Structure of City Government here in 2009

Pre-2009

- ▶ City in financial straights
- ▶ Distrust and second-guessing between elected and appointed officials
- ▶ Feeling of a lack of accountability of the publicly-elected officials to their constituents
- ▶ Internal turmoil and territorialism between and within departments

2009 . . .

- ▶ City became a "well-oiled machine"
 - ▶ Accountability restored, while internal unity and working together increased
 - ▶ Financial situation remedied
 - ▶ Accomplished MUCH, while in the throes of a worldwide economic slowdown (the "Great Recession") - while most other municipalities "hunkered down" and "rode out" the "economic storm" (despite lack of \$\$ and reduction in personnel)
- ▶ Became part of what led to the City's "Story of its Success"

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In sum: It has worked! And can work.

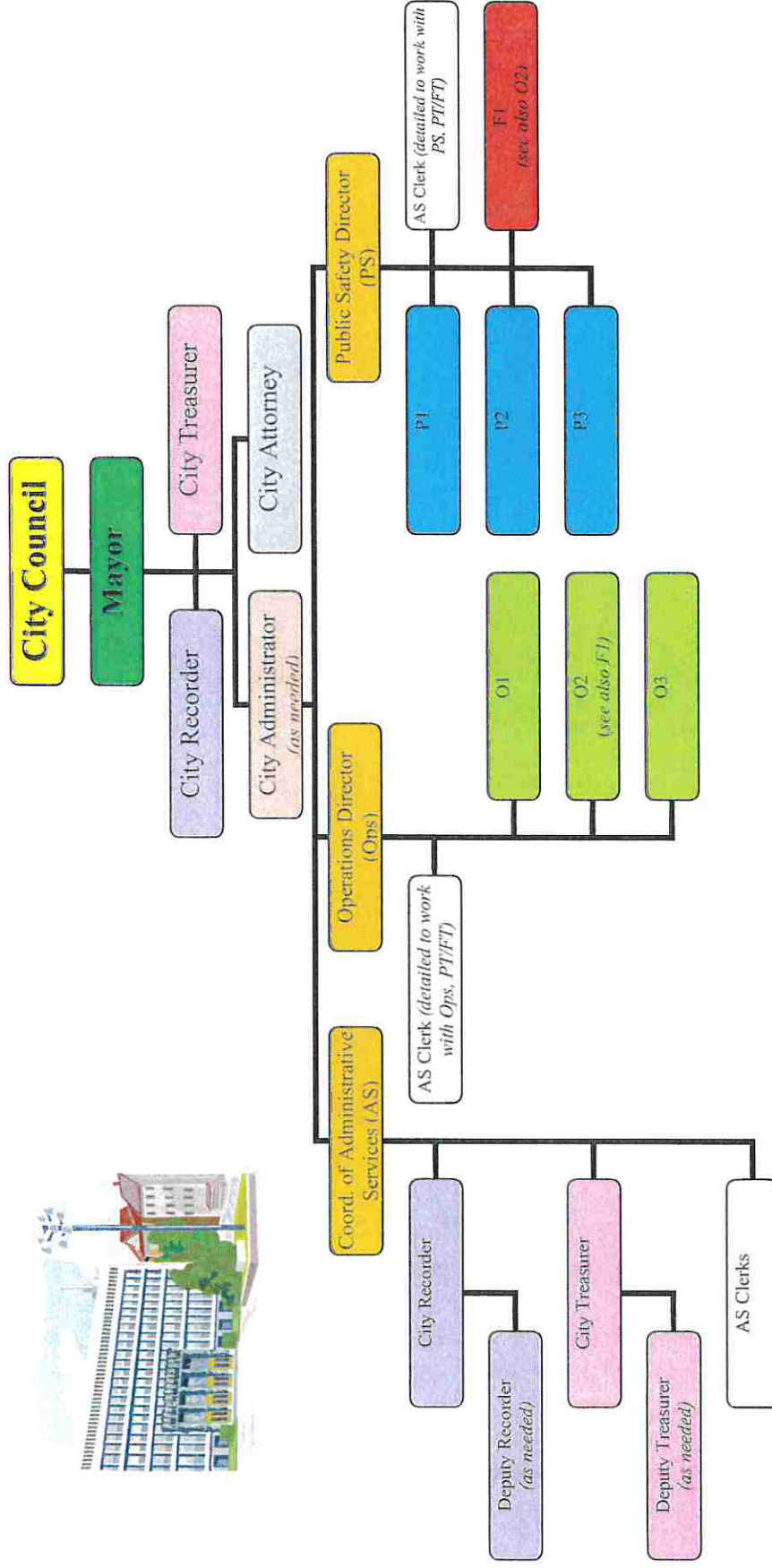
- ▶ But:
 - ▶ Nothing is “set in stone.”
 - ▶ If the time comes that the Council wants to revisit what its predecessors did in 2008-2009, it is welcome to do so.
 - ▶ There is **flexibility**.
- ▶ **However**, until the Council has officially acted to “change course” or to specifically authorize a Council member to be more than a liaison, communication link, and/or Council “subject matter expert,” and—with regards to City operations—altered the approach, rationale, and language of sections such as Section 1-6B-4—Council members (individually) do not dominate, dictate, or unduly influence the direction, discussions, use of funds or assets, or subject matter or assignments, of City divisions and employees, committees, boards, and commissions.
- ▶ The **City Council** provides vision and leadership, makes law, sets policy and guidance, serves as an appeals authority within the City; and and the **Mayor and City Administrator** administer the City, report to the Council, and provide direction, instructions, counseling, and discipline, and administrative leadership to the City directors and employees, and administrative support to boards and commissions.
- ▶ **All** doing their part, within their authority, to promote the vision and work of the City.

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Thank you for your
consideration, your
valuable service, and
your visionary and
thoughtful leadership!!

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References

<u>State</u>	<u>Local</u>	<u>Utah League of Cities and Towns</u>
<i>Utah Code Annotated (1953, as amended)</i>	<i>The LaVerkin City Code</i>	<i>Powers & Duties – the Handbook for Utah Municipal Officials</i>
Sections	Sections	Municipal Govt. Forms & Duties (pp. 21-33, 38-40)
10-3b-104 thru 105	1-5-2 thru 6	
10-3b-301 thru 303	1-6-1 thru 2,	
	1-6-7 thru 8	
	1-6A-1, 1-6a-4	
	1-6B-3 thru 4	
	1-12-2	
	1-12-4	
***	***	
Re Planning Commission and Board of Adjustment:	Re Planning Commission and Board of Adjustment:	
<i>Utah Code Annotated (1953, as amended)</i>	<i>The LaVerkin City Code</i>	
Sections	Sections	
10-9a-3-1 thru 302	1-3-1	
10-9a-701	10-4-1	
10-9a-703		

