

THE CITY OF WEST JORDAN, UTAH
ORDINANCE NO. 22-04

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE
(COUNCIL APPOINTMENTS AND ADVICE AND CONSENT,
SECTIONS 1-6-5, 1-6-14, 1-6-15, AND 1-7-8)**

WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and

WHEREAS, the City Council of the City (“Council” or “City Council”) desires to amend certain sections of the City Code, regarding and related to appointments by the City Council, as well as advice and consent by the City Council of the Mayor’s appointments (“proposed City Code amendments”); and

WHEREAS, the City Council held public meetings on January 12, 2022, January 26, 2022, and February 23, 2022 regarding the 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.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

Section 1. Amendment and Enactment of Code Provisions. City Code Sections 1-6-5 and 1-7-8 are amended to read as shown on Attachment 1 to this Ordinance. City Code Sections 1-6-14 and 1-6-15 are enacted to read as shown on Attachment 1 to this Ordinance.

Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

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.


PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS 23RD DAY OF FEBRUARY 2022.

CITY OF WEST JORDAN

By: Kayleen Whitelock
Kayleen Whitelock (Feb 24, 2022 16:31 MST)

Kayleen Whitelock
Council Chair

ATTEST:

Cindy M. Quick 
Cindy M. Quick, MMC
Council Office Clerk

Voting by the City Council

"YES"

"NO"

Council Chair Kayleen Whitelock

Council Vice-Chair Kelvin Green

Council Member Pamela Bloom

Council Member Zach Jacob

Council Member Christopher McConnehey

Council Member David Pack

Council Member Melissa Worthen



PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON FEBRUARY 24, 2022.

Mayor's Action: X Approve Veto

By: 
Mayor Dirk Burton

Feb 26, 2022
Date

ATTEST:



Tangee Sloan
City Recorder

STATEMENT OF APPROVAL OF PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 22-04.

 The Mayor vetoed Ordinance No. 22-04 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.



 Ordinance No. 22-04 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan
City Recorder

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 27th day of February 2022. 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. 22-04

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE (COUNCIL APPOINTMENTS AND ADVICE AND CONSENT, SECTIONS 1-6-5, 1-6-14, 1-6-15, AND 1-7-8)]

Legislative Version:

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 the city administrator; any other statutory officers and department heads, as defined in section 1-3-2 of this code; the human resources director and information technology director; members of executive branch standing committees, boards, and commissions, as defined in section 2-1-3 of this code; and each position appointed by the mayor which is identified in this code as requiring the council's advice and consent;

4. Appoint city council members to serve as council representatives/liaisons to external organizations pursuant to section 1-6-14 of this code;

5. Appoint (or nominate, as applicable) qualified persons to serve as board members on local district boards pursuant to section 1-6-15 of this code;

46. Perform all duties that the law imposes on the council, including appropriating emergency expenditures authorized by Utah Code Annotated section 10-6-129 and chapter 2a of title 53, or their successor provisions; and

57. Elect one of its members to be the council chair and another one of its members to be the council vice-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)

1-6-14: COUNCIL'S APPOINTMENTS OF COUNCIL REPRESENTATIVES/LIAISONS TO EXTERNAL ORGANIZATIONS:

The city council shall appoint city council members to serve as council representatives/liaisons to external organizations as follows:

A. Terms of Office for Council Representatives/Liaisons to External Organizations: The term shall be one (1) year from the date of appointment. Unless otherwise prohibited by law, rules, or by-laws, a council representative/liaison may continue to hold over for up to three months or until a replacement is appointed.

B. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same council representative/liaison position) shall follow all the same procedures as an initial appointment to a council representative/liaison position.

C. Reports from Council Representatives/Liaisons: Each council representative/liaison shall provide reports and updates as requested by the council.

D. The following entities are external organizations for the purposes of this section:

- 1. Utah League of Cities and Towns Legislative Policy Committee;**
- 2. Salt Lake Council of Governments;**
- 3. Chamber West;**
- 4. Jordan School District;**
- 5. Wasatch Front Regional Council;**
- 6. Western Growth Coalition; and**
- 7. Association of Municipal Councils (AMC).**

1-6-15: COUNCIL'S APPOINTMENTS AND NOMINATIONS OF BOARD MEMBERS TO LOCAL DISTRICT BOARDS:

The city council shall appoint (or nominate, as applicable) qualified board members to serve as board members on local district boards as follows:

A. Terms of Office for Local District Board Members: The term of office for each local district board member is four (4) years.

- 1. Each local district board member shall continue to serve until a successor is duly appointed and qualified, unless the board member is earlier removed from office, resigns, or otherwise leaves office in the local district board member position; and**
- 2. If a local district board member no longer meets the statutory qualifications of Utah Code Annotated sections 17B-1-302 and 17B-1-303, or successor provisions, or if a board member's term expires without a duly appointed and qualified successor, the board member's position is**

considered to be vacant, except that the board member may continue to serve until a successor is duly appointed and qualified.

B. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same board member position) shall follow all the same procedures as an initial appointment to a board member position. For the purposes of this section, the term “appoint” or “re-appointment” shall be read as “nominate” or “re-nomination”, as applicable.

C. Reports from Board Members: Each board member shall provide reports and updates as requested by the council.

D. The boards of the following entities are local district boards for the purposes of this section:

1. Jordan Valley Water Conservancy District. The city council shall nominate two qualified persons, as required by Utah Code Annotated subsection 17B-2a-1005(2)(c)(ii)(A), or successor provision, to the governor for appointment; and
2. South Salt Lake Valley Mosquito Abatement District.

1-7-8: MAYOR’S APPOINTMENTS TO POSITIONS, BOARDS, COMMISSIONS, AND COMMITTEES:

The mayor shall:

A. 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 position appointed by the mayor which is identified in this code as requiring the council’s advice and consent.

B. Appoint (or nominate, as applicable), with the council’s advice and consent, qualified persons to serve as board members on specified external boards, as follows:

1. Terms of Office for City Representatives to Specified External Boards: The term of office for each city representative serving on a specified external board shall be as set forth by law or ~~the~~ 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.

2. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same city representative position) shall follow all the same procedures as an initial appointment to a city representative position. For the purposes of this subsection B, the term “appoint” or “re-appointment” shall be read as “nominate” or “re-nomination”, as applicable.

3. Reports from City Representatives: Each city representative shall provide reports and updates to the council as frequently as requested by the council.

4. The boards of the following entities are specified external boards for the purposes of this section:

~~a. Jordan Valley Water Conservancy District. The mayor shall nominate two names, 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), as amended, 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;~~

~~b.~~ ba. Trans-Jordan Cities Landfill; and

~~c.~~ eb. South Valley Water Reclamation Facility; and

~~d.~~ d. South Salt Lake Valley Mosquito Abatement District.

- C. Appoint, without the council's advice and consent, a qualified person for:
1. Each of the other appointed at-will employee positions not identified in subsection A above;
 2. Each member of each executive branch temporary committee, board, and commission, as defined in section 2-1-3;
 3. Each member of each internal committee of city employees (see section 2-1-1); and
 4. Each position appointed by the mayor which is not identified in this code as requiring the council's advice and consent. (Ord. 21-37, 11-16-2021)

Clean Version:

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 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 the city administrator; any other statutory officers and department heads, as defined in section 1-3-2 of this code; the human resources director and information technology director; members of executive branch standing committees, boards, and commissions, as defined in section 2-1-3 of this code; and each position appointed by the mayor which is identified in this code as requiring the council's advice and consent;
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2. Each Re-Appointment is a New Appointment: Each re-appointment (of the same individual to the same city representative position) shall follow all the same procedures as an initial appointment to a city representative position. For the purposes of this subsection B, the term “appoint” or “re-appointment” shall be read as “nominate” or “re-nomination”, as applicable.

3. Reports from City Representatives: Each city representative shall provide reports and updates to the council as frequently as requested by the council.

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- b. South Valley Water Reclamation Facility.

C. Appoint, without the council’s advice and consent, a qualified person for:

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3. Each member of each internal committee of city employees (see section 2-1-1); and
4. Each position appointed by the mayor which is not identified in this code as requiring the council’s advice and consent. (Ord. 21-37, 11-16-2021)











Ordinance No. 22-04 Council Appointments Advice and Consent Amd

Final Audit Report

2022-02-27


Created:	2022-02-24
By:	Cindy Quick (Cindy.quick@westjordan.utah.gov)
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Signature Date: 2022-02-27 - 2:55:36 AM GMT - Time Source: server- IP address: 73.127.54.20

 Agreement completed.

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