

THE CITY OF WEST JORDAN, UTAH

ORDINANCE NO. 24-19

**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE,
TITLE 2 EXECUTIVE BRANCH COMMITTEES**

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

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

WHEREAS, the City Council held a public meeting on April 10, 2024, 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 of Code Provisions. City Code Title 2 is amended 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 10TH DAY OF APRIL 2024.

CITY OF WEST JORDAN

By: 

Zach Jacob
Council Chair

ATTEST:

Cindy M. Quick, MMC
Council Office Clerk

(continued on the next page)

Voting by the City Council

"YES" "NO"

Council Chair Zach Jacob	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Chad Lamb	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Bob Bedore	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Pamela Bloom	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Council Member Kent Shelton	~ absent ~	
Council Member Kayleen Whitelock	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON APRIL 15, 2024.

Mayor's Action: X Approve Dirk Burton Veto

By: 
Mayor Dirk Burton

 Apr 17, 2024
Date

ATTEST:

Tangee Sloan, CMC
City Recorder

STATEMENT OF APPROVAL/PASSAGE (check one)

 X The Mayor approved and signed Ordinance No. 24-19.

 The Mayor vetoed Ordinance No. 24-19 on _____ and the City Council timely overrode the veto of the Mayor by a vote of _____ to _____.

 Ordinance No. 24-19 became effective by operation of law without the Mayor's approval or disapproval.

Tangee Sloan, CMC
City Recorder

(continued on the next page)

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 19th day of April 2024. 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, CMC
City Recorder

(Attachment on the following page)

Attachment 1

[Attachment to ORDINANCE NO. 24-19

AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE TITLE 2

EXECUTIVE BRANCH COMMITTEES

2-1-1: SCOPE AND PURPOSE:

This title governs city boards, commissions, agencies, and support organizations. This title does not govern City Council Committees established under title 1, chapter 6. Any reference to “law” will include city ordinances. (2001 Code § 2-6-101; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020; Ord. 20-47, 12-16-2020)

2-1-2: DEFINITIONS:

As used in this chapter:

1. “Statutory Committee” means a body required or allowed by state law. The mayor appoints or reappoints members with the advice and consent of the city council.
2. “Executive Committee” or just “Committee” means a body not required by state law. The mayor appoints or reappoints members without the advice and consent of the city council.
3. “Support Organization” means a city-controlled tax-exempt entity formed to assist the city. The entity raises private funds for the city’s public purposes.

(2001 Code § 2-6-103; amd. Ord. 10-08, 2-24-2010; Ord. 19- 53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-3: APPOINTMENT OF COMMITTEE MEMBERS:

The mayor may appoint, or reappoint, members to an Executive Committee or Statutory Committee. The mayor shall provide the city council with the prior experience and background information on members whose appointment, or reappointment, requires advice and consent. (2001 Code § 2-6-102; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-4: TERMS:

- A. Statutory Committee Member Terms: Statutory Committee terms are three years, or as otherwise provided by law. The mayor may adjust the initial terms for members of newly created committees to stagger term expirations and ensure continuity within the committee. The term of each committee member shall expire: 1) on December 31 of the last year of the expiring term; or 2) the date the committee member ceases to reside within the city.
- B. Support Organizations: Support organizations are separate legal entities, determining the terms and holding elections for trustees/directors/managers as outlined in their organizational documents and Utah law.
- C. Executive Committee member terms may be set by executive order.
- D. The city council may waive the term limit for any Statutory Committee member by passing a reappointment resolution that specifically waives Subsection A. The mayor must also recommend the waiver.

2-1-5: VACANCIES:

A. The mayor shall fill vacancies on committees mentioned in this title for the remaining term of the original appointment. The mayor will only fill vacancies on Statutory Committees after receiving advice and consent..

B. Vacancies on Support Organizations are handled according to the bylaws or operating agreement of the entity. (2001 Code § 2-6-106; 2009 Code § 2-1-6; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-6: QUALIFICATIONS; RESIDENCY REQUIREMENTS:

Statutory Committee members must meet the following qualifications:

- A. Have their primary residence within the city; and
- B. Be a registered voter.

The mayor may set specific qualifications for Executive Committee members.

(2001 Code § 2-6-107; 2009 Code § 2-1-7; amd. Ord. 10-08, 2-24-2010; Ord. 10-12, 4-28-2010; Ord. 11-04, 2-9-2011; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-7: QUORUM:

A quorum is necessary for a Statutory Committee to conduct business. A quorum consists of a simple majority of the appointed voting members. (2001 Code § 2-6-110; 2009 Code § 2-1-10; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

2-1-8: CREATION OF EXECUTIVE BRANCH COMMITTEES:

The mayor may create and dissolve executive committees by executive order. A signed executive order shall accompany the creation or dissolution of an executive committee. The executive order establishes the scope of each committee, including, the purpose for the committee, stated goals for the committee, vision for growth, anticipated involvement of the committee, and whether the committee is temporary. (2001 Code § 2-6-111; 2009 Code § 2-1-11; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-9: MEETINGS; TIMES, LOCATIONS:

Statutory Committees meet as necessary. Meetings are conducted at, or anchored from, West Jordan City Hall. Notice of meetings shall be given as mandated by law. (2001 Code § 2-6-112; 2009 Code § 2-1-12; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

2-1-10: OPEN AND PUBLIC MEETINGS ACT:

Statutory Committees shall comply with the Open and Public Meetings Act as contained in Utah Code 52-4-1 et. seq. and its successor provisions.

2-1-11: CITY ATTORNEY AND OTHER CITY STAFF SUPPORT:

The mayor or city administrator may assign the personnel and resources needed to assist Statutory Committees and Support Organizations. The city attorney may provide advice to any Statutory Committee or Support Organization. (2001 Code § 2-6-116; 2009 Code § 2-1-16; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-12: TERMINATION OR REMOVAL:

The mayor may remove any member of Statutory Committees and Support Organizations. The mayor may remove a member without cause, unless precluded by state law.. (2001 Code § 2-6-119; 2009 Code § 2-1-19; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-13: LIABILITY COVERAGE AND INDEMNIFICATION:

Each Statutory Committee member and Support Organization official acts as a volunteer public servant. They may receive immunities, legal representation, and indemnification as outlined in the Utah Governmental Immunity Act. (2001 Code § 2-6-120; 2009 Code § 2-1-20; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

2-1-14: RULES, POLICY, PROCEDURE:

Each Statutory Committee and Support Organization may adopt its own bylaws for the transaction of business. Bylaws shall comply with the requirements of law and are subject to periodic review by the mayor. (2001 Code § 2-6-122; 2009 Code § 2-1-22; amd. Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-15: ETHICS AND CONFLICTS OF INTEREST:

Members of Statutory Committees and Support Organizations must comply with Title 1, Chapter 11, and any other similar policies adopted by the city. (2001 Code § 2-6-125; 2009 Code § 2-1-25; amd. Ord. 10-08, 2-24-2010; Ord. 20-38, 9-30-2020)

2-1-16: TRAINING:

The mayor, or their designee, will ensure that all members of Statutory Committees and Support Organizations receive yearly training. This training shall cover the rules outlined in this chapter and other important topics related to Statutory Committees and Support Organizations. (Ord. 10-08, 2-24-2010; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-1-17: SUPPORT ORGANIZATIONS:

Support Organizations are distinct legal entities formed under state corporation or similar laws. They must follow filed articles of incorporation or articles of organization, and legally adopted bylaws or operating agreements. The city attorney, and the city council, must review and approve these governing documents. (Ord. 10-08, 2-24-2010; amd. Ord. 20-38, 9-30-2020)

CHAPTER 2 PLANNING COMMISSION

SECTION:

2-2-1: Planning Commission Established

2-2-2: Appointment and Term

2-2-3: Powers and Duties

2-2-1: PLANNING COMMISSION ESTABLISHED:

The West Jordan Planning Commission is a Statutory Committee established pursuant to the Utah Municipal Land Use, Development, and Management Act, or its successor provisions. This chapter, and chapter 1, outline the organization and governance of the planning commission.

2-2-2: APPOINTMENT AND TERM:

- A. The mayor shall appoint, with the advice and consent of the city council, seven qualified persons to be regular members of the planning commission.
- B. Planning commission members may serve a maximum of two consecutive terms of any length.
- C. The compensation schedule adopted by the city council in the annual budget sets compensation for the planning commission members.
- D. All planning commission members shall comply with the training requirements set forth in Utah Code 10-9a-302(b) and its successor provisions. Newly appointed members must comply with the training requirements set forth in Utah Code 10-9a-302(c) and its successor provisions.

(2001 Code § 2-6-1401; amd. Ord. 20-38, 9-30-2020)

2-2-3: POWERS AND DUTIES:

The planning commission shall have the powers and duties set forth in the Utah Municipal Land Use Development and Management Act, or its successor provisions, and city law. These powers and duties include:

- A. Provide recommendations to the city council for the general plan and amendments to the general plan..
- B. Provide recommendations to the city council on zoning ordinances and maps and amendments thereto, as well as other land use regulations.
- C. Administer the provisions of title 13 and the other land use titles of this code, or its successor, as provided by law.
- D. Provide recommendations to the city council on subdivision ordinances, regulations and amendments thereto. Advise the city council on land use, real property transactions, street closure and other matters, as necessary.
- E. Approve or denying subdivision plats, commercial development site plans, and other developments, pursuant to city development standards or otherwise provided by law.
- F. Hear and decide any matters designated by ordinance, including approving or denying conditional use permits.
- G. The Planning Commission may exercise any other powers necessary to perform its functions in accordance with city or state law, or those lawfully delegated to it. (2001 Code § 2-6-1402; Ord. 19-16, 4-10-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

CHAPTER 3 BOARD OF ADJUSTMENT

SECTION:

2-3-1: Board of Adjustment Established

2-3-2: Appointment and Term

2-3-3: Powers and Duties

2-3-4: Savings Clause

2-3-1: BOARD OF ADJUSTMENT ESTABLISHED:

The board of adjustment is a land use appeal authority and Statutory Committee created pursuant to the authority provided in the Utah Municipal Land Use Development and Management Act, and other applicable state and city law. This chapter and chapter 1 outline the organization and governance of the board of adjustment.

2-3-2: APPOINTMENT AND TERM

A. The mayor shall appoint, with the advice and consent of the city council, five qualified persons to be regular members of the board of adjustment, and one additional qualified person to be an alternate member.

B. Board of adjustment members may serve a maximum of two consecutive terms of any length.

C. The compensation schedule adopted by the city council in the annual budget will set compensation for the board of adjustment members..

2-3-3: POWERS AND DUTIES:

The board of adjustment shall have those powers and duties as set forth in the Municipal Land Use Development and Management Act, or any successor provision, and city law. These powers and duties include:

A. Hear and decide petitions for appeals of administrative decisions regarding the application or enforcement of title 13 of this code.

B. Hear and decide requests for variances from the terms of Title 13 of this code, as described in Title 13, Chapter 7, Article G of this code, or any successor provision.

C. Obtain verification or make determinations regarding the legality of a claimed nonconforming use or nonconforming building.

D. Three members of the board of adjustment must concur to make any decision, including the reversal of any order, requirement, decision, or determination made by an administrative official or agency, or to rule in favor of an appellant.

E. The board of adjustment's decisions become effective at the meeting where the decision is made, unless the decision or the board's bylaws specify a different time.

F. Notice of all meetings or hearings shall be sent to each member no later than seven calendar days before the proposed meeting. Each member of the board of adjustment shall have access to all information, materials, briefs, and resources pertaining to each case. All members of the board of adjustment shall have access to the same city resources necessary in order to discharge their duties.

G. The board of adjustment shall make all decisions in writing and must issue them no later than 14 days after the hearing. (2001 Code § 2-6-1501; and Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020)

2-3-5: SAVINGS CLAUSE:

This chapter does not affect any proceeding, or a board of adjustment member term length commenced prior to April 1, 2024.

CHAPTER 4
OTHER STATUTORY COMMITTEES AND HEARING OFFICERS

SECTION:

2-4-1: Ethics Commission

2-4-2: Employee Discipline Hearing Officer

2-4-3: Administrative Law Judge

2-4-4: Board of Building Appeals

2-4-1: ETHICS COMMISSION:

State law allows each city to form their own ethics commission. The City of West Jordan has elected to not have its own ethics commission, and instead will utilize the Political Subdivisions Ethics Review Commission as established in Utah Code title 63A, chapter 15, part 2.

2-4-2: EMPLOYEE DISCIPLINE HEARING OFFICER:

The city has created an Employee Discipline Hearing Officer pursuant to State law. The function, powers, and duties of the employee discipline hearing officer are set forth in title 1, chapter 12 of this code.

(Ord. 20-38, 9-30-2020)

2-4-3: ADMINISTRATIVE LAW JUDGE:

The city has an Administrative Law Judge as allowed by state law. The function and powers and duties of the administrative law judge are set forth in title 16 of this code.

(Ord. 20-38, 9-30-2020)

2-4-4: BOARD OF BUILDING APPEALS:

A. The Board of Building Appeals is allowed by state law and the provisions of the International Building Code. The procedures for the board of building appeals are set forth in title 10, chapter 3 of this code. (Ord. 20-38, 9-30-2020)

B. The board of building appeals hears and decides appeals of orders, decisions or determinations made by a building official.

C. The board of building appeals shall consist of five members, appointed by the mayor, with the advice and consent of the city council. Board members shall be knowledgeable in general construction practices and procedures in customary use in the city. City employees are prohibited from serving on the board. Members of the board are compensated in accordance with the comprehensive fee schedule.

D. The Board shall adopt reasonable rules and regulations, consistent with this section, for the conduct of its business. It shall render all decisions and findings in writing to the appellant and the building official. Copies of all rules and regulations adopted by the Board shall be available to the public.

CHAPTER 5

REPEALED

CHAPTER 6

CITY SUPPORT OF UNRELATED CHARITABLE OR EDUCATIONAL ENTITIES

SECTION:

2-6-1: Relationship To City

2-6-2: Applications

2-6-3: Requirements

2-6-1: RELATIONSHIP TO CITY:

The city may provide both monetary and non-monetary assistance to individuals and entities for the safety, health, prosperity, moral well-being, peace, order, comfort, and convenience of city residents. The city will not become employees, representatives, or agents of any city-supported individual or entity solely by virtue of the city providing assistance. (Ord. 10-08, 2-24-2010; amd. Ord. 20-38, 9-30-2020; Ord. 23-02, 2-22-2023)

2-6-2: APPLICATIONS:

Individuals and entities may request both monetary and non-monetary city assistance by completing an application obtained from the council office. Interested parties can direct any questions about the application process or requirements for receiving assistance to the council office. (Ord. 10-08, 2-24-2010; amd. Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020; Ord. 23-02, 2-22-2023)

2-6-3: REQUIREMENTS:

All individuals and entities receiving city support shall agree to the following requirements:

- A. The requesting individual or entity shall permit the city, or an auditor hired by the city, to inspect the individual or entity's system of accounts and other accounting systems and protocols to ensure accuracy and proper safeguarding of public funds.
- B. The requesting individual or entity shall provide yearly financial reports in a form acceptable by the city council.
- C. The requesting individual or entity shall explain how the requested assistance will further advance city goals or plans and track the actual advancement of city goals or plans using the requested city assistance. The requestor must also ensure that they use any city assistance only for the purposes stated in the application and the authorizing resolution.
- D. The requesting individual or entity shall affirm that they have the training and experience needed to manage the proposed activities effectively and efficiently. (Ord. 10-08, 2-24-2010; amd. Ord. 19-53, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 20-38, 9-30-2020; Ord. 23-02, 2-22-2023)

Ordinance No. 24-19 Amd WJCC Title 2 Executive Branch Committees


Final Audit Report


2024-04-19


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Status:	Signed
Transaction ID:	CBJCHBCAABAAm8BytI8vZSZeCHbMlhNoX4wZeXwOoGel


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 Signer dirk.burton@westjordan.utah.gov entered name at signing as Dirk Burton
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