

**Ordinance No. 19-02**

**AN ORDINANCE AMENDING THE REVISED ORDINANCES OF SANDY CITY TITLE 22 “LEGISLATIVE CODE;” ALSO PROVIDING A SAVING CLAUSE FOR THE ORDINANCE AND AN EFFECTIVE DATE.**

WHEREAS, it is necessary to amend the Revised Ordinances of Sandy City Title 22, “Legislative Code”; and

WHEREAS, section 10-8-84, Utah Code Annotated, authorizes such amendment to protect the public health, safety and welfare of the City; and

WHEREAS, section 22-1-3, Revised Ordinances of Sandy City, currently requires the Council to hold a regular meeting at least twice each month; and

WHEREAS, section 10-3-502, Utah Code Annotated, requires the Council to hold a regular meeting at least once each month; and

WHEREAS, the Council wants to better align the Sandy Legislative Code with the Utah Code; and

WHEREAS, the Council intends to continue holding as many regular meetings as necessary each month regardless of minimum requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANDY CITY AS FOLLOWS:

1. Amendment. The Revised Ordinances of Sandy City Title 22, “Legislative Code,” shall be amended as set forth in Exhibit “A” which is attached to and incorporated in this ordinance. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.
2. Severable. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstances is held invalid, it shall not affect any other provision of this ordinance, or the application in a different circumstance.
3. Effective. This ordinance shall become effective upon publication of a summary thereof and the City Recorder is hereby directed to publish such summary as soon as practically possible.

PASSED AND APPROVED by the Sandy City Council on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kris Coleman Nicholl, Chair  
Sandy City Council

PRESENTED to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Kurt Bradburn, Mayor  
Sandy City

ATTEST:

\_\_\_\_\_  
Wendy Downs, City Recorder  
Sandy City

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SUMMARY PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

# **Exhibit A**

# TITLE 22

## LEGISLATIVE CODE

### Chapter 1 CITY COUNCIL

#### **22-1-1. Council Terms and Districts.**

- (a) The Sandy City Council shall be composed of seven (7) members, four (4) of whom shall be elected from Council districts and three (3) of whom shall be elected at large. The Council districts shall be adjusted from time to time in accordance with the laws of the State of Utah and in such manner as may be necessary to assure substantially equal population within each district. One nonpartisan candidate shall be elected to fill each of the seven (7) positions on the Sandy City Council. Council members elected shall initially serve, under the provisions of the Council/Mayor form of government, as follows:
- (1) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as an at-large member of the Council.
  - (2) Two (2) members of the Council shall be elected at-large for four year terms.
  - (3) A Council member, serving at the time of the adoption of the Council/Mayor form of government, shall serve the remainder of the elected term as a representative of Council District #1.
  - (4) One Council member shall be elected from Council District #3 to serve a two-year term.
  - (5) One Council member shall be elected from Council Districts #2 and #4 to serve four year terms. However, after the initial terms shall have been completed, all subsequent terms shall be for four years. The seven (7) member Council shall exercise the legislative powers within Sandy City.
- (b) The legislative or Council districts of Sandy City shall be set forth upon a map retained in the possession of the City Recorder, which map is specifically made a part of this ordinance. The said map indicating Council districts may be amended from time to time in accordance with the laws of the State of Utah by resolution of the City Council in order to maintain districts of substantially equal population.

#### **22-1-2. Council Powers.**

The Council shall exercise the legislative powers of City government, including the adoption of ordinances, setting appropriate tax levies, adopting the City budget, and establishing water and garbage service rates, and other general tax and service rates. It may also review and monitor the municipal administration, conduct public hearings and perform all other duties and responsibilities authorized or required by State law. The Council shall give the Mayor its advice and consent in appointments to the Planning Commission and Board of Adjustment. The Council hereby grants to the Mayor its advice and consent to all removals, firings, discharges and other disciplinary actions he may undertake regarding executive branch personnel, including department heads. Said mayoral actions regarding supervisory actions or discharging executive department personnel shall be done consistently with due process and other applicable constitutional and statutory principles but need not include additional or separate advice and consent of the Council.

### **22-1-3. Meetings of Council.**

- (a) **The Council shall meet not less than required under U.C.A. 1953, § 10-3-502.** ~~The Council is a part time legislative body but shall meet not less than twice monthly.~~ The Council shall by ordinance establish a regular meeting schedule.
- (b) Special meetings may be called either by order of the chairperson of the Council, by a majority of the Council members or by the Mayor. The order signed by the party calling the meeting shall be filed with the City Recorder and entered in the minutes of the Council. Notice of said special meeting shall be given to all Council members and the Mayor, who have not joined in said order, not less than 48 hours before said special meeting. Said notice shall be served personally or a copy thereof deposited at the said Council member's or Mayor's place of abode, either by leaving it with a person of suitable age and discretion or affixing a copy thereof to the front door, such action to be by the City Recorder or his or her designee.
- (c) Emergency meetings of the Council may be called by order of the Mayor or a majority of the Council members to consider unforeseen matters of an emergency or urgent nature. Such meetings may be held without any specific advance notice, but shall be had at a time so as to give the Mayor and all Council members the most opportunity to be present, considering the circumstances requiring the emergency meeting. Notice of said meeting shall be attempted to be given the Mayor and each Council member not joining in the said order by the best practical means under the circumstances.
- (d) All official meetings of the Council shall be open to the public as required by the Utah Open and Public Meetings Act or its successor, provided however, that executive sessions may be closed by a 2/3 majority vote of the Council members present at an open meeting, for discussions of appropriate matters, under the Utah Open and Public Meetings Act or its successor. No final decisions shall be made in closed meetings, except as allowed by State law.

### **22-1-4. Meeting Schedules, Agendas and Minutes.**

- (a) The City Recorder shall give public notice of at least once each year of the annual meetings schedule of the City Council in a manner as provided by the

Utah Open Public Meetings Act or its successor.

- (b) In addition to the foregoing notice, the Recorder or Council staff shall prepare an agenda for each regular meeting of the Council, which is reasonably specific so as to identify the matters to be considered by the Council and which states the date, time and place of the meeting. Such agenda shall be posted not less than 24 hours before the scheduled regular or special meeting. Such posting shall be done by placing a copy of said agenda at the principal office of the City Council and a copy of such agenda given to a local media of general circulation in the geographic area of Sandy City. Notices of emergency meetings shall be given in the best practicable manner, under the circumstances.
- (c) Minutes shall be kept of all open or closed meetings, and shall contain the information required by the Utah Open and Public Meetings Act or its successor. All such minutes shall be public records, filed with the City Recorder and available for public inspection, within a reasonable time after the conclusion of said meeting(s).

**22-1-5. Council Organization and Rules.**

The Council shall elect a chairperson from its number and shall determine its order, rules, procedure and organization from time to time as it deems prudent and appropriate.

**22-1-6. Council Vacancies.**

In the event of a vacancy in the Council, the Council shall, within 30 days of the occurrence and declaration of such vacancy, by majority vote of the remaining Council members, appoint a qualified elector of the City to fill the unexpired term as created by the occurrence of such vacancy. The Council member who shall be appointed to fill such vacancy shall serve with all of the rights and powers of a duly elected Council member. A vacancy shall be declared by the Council if a Council member shall die, resign, terminate legal domicile within the corporate limits of Sandy City or, if chosen from a Council district, within the appropriate Council district boundaries or be judicially removed from office.

**22-1-7. Staff and Support Personnel.**

Subject to the limitations and requirements of applicable budget appropriations, the City Council may appoint and remove such assistants and support staff as may be necessary to perform such functions and duties as may be assigned to them by the City Council.