

~~TITLE 6~~

~~ADMINISTRATIVE CODE~~

~~BACKGROUND~~

BACKGROUND ANALYSIS

Two significant organizational changes have taken place in Sandy City within the last two years.

The first involved the office of Mayor becoming full-time on July 1, 1978. This was the culmination of several months of study by a Citizen Advisory Committee. They identified the following basic reasons for their recommendations of a full-time mayor:

1. Size of City and growth rate will create a need for the leadership that a full-time mayor could provide.
2. A full-time mayor could provide a positive atmosphere to help the community develop a sense of identity.
3. An elected official is needed who is responsible to the citizens at the helm of administration.
4. Full-time service would provide the mayor more opportunities to become involved in intergovernmental activities.
5. An aggressive, full-time mayor could assist Sandy in presenting its best case to commercial and industrial concerns evaluating the merits of locating in the City.

On November 6, 1979, a referendum was held to determine the citizens' feelings about having a full-time mayor. About 70% of those voting supported a full-time mayor (3,468 to 1,502).

The second major change was the adoption of the Council/Mayor form of government which took effect on January 1, 1980. The change followed several months of investigation by a citizens study committee headed by council member B. James Mecham.

The most important provisions of the resolution included:

1. Separation of the legislative and executive functions.
2. A mayoral veto with a 2/3 vote needed by the Council to override.
3. A mandatory City Administrator appointed by the Mayor. The appointed City Administrator must be a qualified government administrator with adequate education and administrative background.
4. The chairing of all council meetings by the chairman of the council.

—— An election was held on May 15, 1979. Over 80% of the electorate who voted supported this change (1,242 to 218).

—— These two changes significantly alter the administrative process by law and provide new kinds of leadership roles in the City.

ADMINISTRATIVE CODE

—— The law requires all governments under the optional form to submit an "Administrative Code" by June 30 of the year the new form of government takes effect.

—— As a partial fulfillment of that requirement of the law, this paper will attempt to analyze and clarify the intent of the Code being proposed by the Mayor.

The general purposes of the code will be to:

1. —— Establish and clarify the organizational structure of the City government.
2. —— Establish certain historical, theoretical and philosophical principles which may be used for the operation of the City Administration.
3. —— Identify appointed City officials and specify their duties.
4. —— Establish descriptions and parameters of departmental responsibilities.
5. —— Establish guidelines to govern the relationship between the executive and legislative branches of municipal government.
6. —— Establish specific definitions of the powers, duties and functions of the Mayor and City Administrator of the City.
7. —— Establish standards for professional administration of the City.
8. —— Establish an administrative procedure.
9. —— Establish the general parameters of the administration of the personnel, purchasing and financial functions of the Administration.

—— This analysis will attempt to provide sufficient description to be useful if questions come up concerning the intent of the code. The analysis will be part of the record concerning the code and its interpretation.

MANAGEMENT THEORY

—— A short discussion will take place to help describe some important concepts in the Code and why they have been included.

1. —— **RELATIONSHIP OF MAYOR AND CITY ADMINISTRATOR:** The Resolution and Code recognize that the Mayor has several critical roles to perform in addition to his position as Chief Executive of the City with final administrative authority. It is the intent of the Code that professional management be provided through the mandatory appointment of a City Administrator whose selection is based on specific qualifications and who is given the necessary management tools to carry out his responsibilities. The two positions are intended to complement each other by combining strong political leadership with management expertise.
2. —— **SPAN OF CONTROL:** Span of control is the number of people over whom a

supervisor has direct management responsibility. It is important to understand that an effective span of control is the number of subordinates who can be supervised effectively.

- Numerous published studies exist in this area of management theory. In general, the results have been that the median span ranges from six to ten. Depending on the type of personnel and jobs involved, the span can range from two to seventy.
- It is felt that no reason exists for the span of control in Sandy ever to go below five. Therefore, the general principle will be that no new supervisory positions will be authorized until the split will leave each supervisor with at least five subordinates. Presently existing positions will not be affected unless there is a major problem. The creation of any new supervisory positions will be carefully scrutinized by the City Administrator and then approved or disapproved.
- It is obvious that promotional opportunities to supervisory positions will be limited because of the size of the organization. As a result of this, an attempt will be made within the parameters of effective personnel and fiscal policy to provide adequate job ladders based on skill development.
- 3. — **BASIS OF DEPARTMENTATIONS:** The reason departments in cities are formed is to provide a structure from which certain city functions are performed. An attempt will be made to organize the departments as rationally as possible according to these functions.
- 4. — **AUTHORITY RELATIONSHIPS, ETC.:** In general, line positions will be those that provide direct services to the public. Staff positions will be classified as those which perform services to keep the City government running or an advisory research type of operation. An example of line is police and of staff is legal. The majority of City resources should be given to the producing of activities. Functional authority (which is the delegated right to have managerial power over a specific project and its team members, even when such authority crosses departmental lines) may be given on certain projects where specialized knowledge or skill is needed. Functional relationship will not show up on the organization chart.
- 5. — **CENTRALIZATION VERSUS DECENTRALIZATION:** It is anticipated that the majority of functions in the City Administration will be administered through decentralized process. That is, assignments and responsibility will be delegated to lower levels to increase efficiency. More centralized control will be exercised if it is felt that policy is not clear, will change the intent of existing policy or is controversial. This should help provide for stability and protect the elected officials' right to establish policy.
- 6. — **OTHER:** The previous areas of discussion are not meant to be limiting factors in the management theory applied in Sandy but merely a description of principles that are necessary to define and understand.

PHILOSOPHY OF MANAGEMENT

1. — The first and uppermost responsibility of all City employees shall be to provide friendly and efficient service to residents of the City.
2. — Staffing levels should be held to the minimum basic core of employees.

~~These employees should be given job security during cyclical downturns. When workload demands exceed the core staff's ability to perform, the excess workload should be performed by temporary personnel or performed by way of contract so as to limit long term staffing commitments. The basic core of the staff can increase as the City increases in size.~~

- ~~3. The City will consider contracting for services when such contracts can be shown to be cost effective and will provide acceptable service levels.~~
- ~~4. Administrative rules should be restricted whenever feasible to eliminate unnecessary bureaucracy, avoid unnecessary financial burdens and prevent unnecessary restrictions of freedom upon the public.~~
- ~~5. Executive summaries of major policy recommendations and research will be required of staff before they will be considered for adoption. These summaries should be approximately one page in length and follow a format designed by the City Administrator to clearly highlight the major points, anticipated benefits, anticipated costs, implications and other impacts of the recommendations.~~
- ~~6. The management style in the City Administration will follow in general the philosophy of "management by results" and not "management by process." This style will be implemented within broad standards and guidelines. Where the type of work or type of employee involved requires direct supervision, such supervision will be provided.~~
- ~~7. The concepts of management by objective and evaluation of performance will be strongly emphasized. Effective and efficient employees should be paid and rewarded appropriately. Employees who perform below acceptable standards should expect pay and other rewards which will be below standard, including possible termination.~~
- ~~8. Communication and input from, between and among departments shall be encouraged by the City Administration. Requesting services, changing priorities or giving general directions will follow proper authority lines.~~
- ~~9. The City Administration will have an "open door policy" to help encourage a more open communication process. Specific guidelines will be established in order to avoid abuse of this principle.~~
- ~~10. Departmental policy proposals which may be controversial change the intent of existing policy, or have major long term policy impact, will be considered and approved with special care in cabinet meeting before implementation.~~
- ~~11. Management by exception, which is the process of having designated employees submit proposed policies for actions in writing to a supervisor and having the policy or action adopted automatically if the supervisor does not respond with comments within a definite time period, will be implemented in accordance with specific guidelines. This method of management will be used to increase work flow and efficiency.~~
- ~~12. Staff members are encouraged to submit recommendations to the Administration with regard to the adoption of policy. Such additional recommendations may conflict with recommendations submitted by other staff members, and in the event of such conflict, justification for a conflicting recommendation should be provided.~~

13. — Citizen involvement in policy issues including those of direct impact on citizens will be encouraged.

STANDARDS OF PROFESSIONAL ADMINISTRATION

— The Administrative Code will spell out a standard of professional administration which will be the standard of professionalism in Sandy. Willful violation of the standards is grounds for termination or other disciplinary action.

ADMINISTRATIVE PROCESS

— An Administrative Process will be defined in the Administrative Code to set forth a means of protecting the public and City employees from unfair or unjust administrative rules and regulations.

GOALS AND OBJECTIVES

— Traditionally, the emphasis of administrative codes and city charters has been to define organizational structures and city officials' legal functions. This appears to be the case, for example, in Logan and Salt Lake City. These documents do not represent an attempt to formulate a philosophical or theoretical foundation which future city representatives can use as guidelines.

— We have taken a different approach by producing a document which is intended to provide a conceptual as well as structural basis for the City government and its management in the future.

— Specific objectives which we hope the code will achieve include:

1. — A balanced mix of legislative, executive and administrative functions and skills. This will provide the City with appropriate checks and balances.
2. — A specific theoretical and philosophical basis for the managerial process and city operations.
3. — Clear and identifiable lines of public accountability.
4. — Citizen involvement in decision-making.
5. — A method of program implementation which is fair, unbiased and free of unnecessary rules and regulations and, so far as possible, effective in achieving the public purposes of each program.
6. — Professional and specialized administration with the appropriate controls to keep administrative and government growth in general at the lowest feasible level.
7. — Understandable summaries of policy issues, to help decision makers be more informed and aware of the implications of policies under consideration.
8. — A system and philosophy of management that is flexible, and which encourages administrators to expand their abilities and to be innovative.
9. — A commitment to high employee performance through balanced systems of compensation, incentives and security.
10. — A system which enhances the probability of a smooth transition process from

~~the old to the new form of government.~~

11. ~~Well defined roles and tools for the evaluation of responsibilities and parameters of departments and their leadership.~~

~~The goal of the Administrative Code is to provide a means of achieving the objectives listed above as well as many less obvious ones.~~

~~With proper implementation, the Administrative Code should set a foundation for good government and administration in Sandy that will greatly influence the process of government for many years.~~

TITLE 6

ADMINISTRATIVE CODE

Chapter 1 PURPOSES AND PRINCIPLES

6-1-1. Short Title.

This title shall be known and may be cited as the "Administrative Code."

6-1-2. Purpose and Intent.

The purpose and intent of this title of the Revised Ordinances of Sandy City is to:

- (a) ~~e~~Establish and clarify the organizational structure of the City government.
- (b) ~~Establish certain historical, theoretical and philosophical principles which may be used for the operation of the City Administration.~~
- (~~b~~e) ~~i~~Identify appointed officials and specify their duties.
- (~~c~~d) ~~e~~Establish descriptions and parameters of departmental responsibilities.
- (~~d~~e) ~~e~~Establish specific definitions of the powers, duties and functions of the Mayor and City Administrator of the City.
- (f) ~~Establish standards for professional administration of the City.~~
- (g) ~~Establish an administrative, rule-making and adjudicatory procedure.~~
- (~~e~~h) ~~e~~Establish the general parameters of the administration of the human resources ~~personnel~~, purchasing and financial functions of the Administration.

6-1-3. Administrative Organization.

The municipal government of Sandy City is divided into separate, independent and equal branches of government pursuant to the provisions of the "~~Optional~~ Forms of Municipal

Government Act" as established by the State of Utah. The equal and independent branches of government in Sandy City are the executive branch and the legislative branch. The executive branch consists of the Mayor of Sandy City, the administrative departments of the City, and the department heads, other officers, offices, and employees. The legislative branch consists of a municipal council consisting of seven members and support staff. The Mayor of Sandy City shall exercise the executive powers of government. A duly appointed judge or judges shall exercise powers under the Judicial Code, Title 23 of the Revised Ordinances of Sandy City.

6-1-4. Principles of Administrative Management.

~~—————The following principles of administrative management are herein set forth to give foundation to and direction for the implementation of the provisions of this Administrative Code:~~

- ~~(a) — The first and uppermost responsibility of all City employees shall be to provide friendly and efficient service to the residents of the City.~~
- ~~(b) — Management Objective. The ultimate and primary management objective of City government is to provide service to the citizens of the community at the highest possible level for the lowest practical cost.~~
- ~~(c) — Relationship between the Mayor and City Administrator. The Resolution and Code recognize that the Mayor has several critical roles to perform in addition to his position as the Chief Executive of the City with final administrative authority. It is the intent of the Code that professional management be provided through the mandatory appointment of a City Administrator whose selection is based on specific qualifications and who is given the necessary management tools to carry out his responsibilities. The two positions are intended to complement each other by combining strong political leadership with management expertise.~~
- ~~(d) — Span of Control. The span of control is the number of people over which a supervisor has direct management responsibilities. It is important to understand that an effective span of control is the number of subordinates who can be supervised effectively. The median span of control ranges from six to ten subordinates. There is no reason for the span of control in Sandy City to ever be less than five subordinates. Therefore, the general principle will be followed that no new supervisory positions will be authorized until the split will leave each supervisor with at least five subordinates. Presently existing positions will not be affected unless there is a major problem. The creation of any new supervisory positions will be carefully scrutinized by the City Administrator. Supervisory positions may be limited because of the size of the organization. An attempt will be made within the parameters of effective personnel and fiscal policy to provide adequate job ladders based on skill development.~~
- ~~(e) — Departments. Departments in cities are formed to provide a structure from which certain functions in the City are performed. An attempt will be made to organize the departments as rationally as possible according to specific functions.~~
- ~~(f) — Authority Relationships, Line and Staff Positions.~~
 - ~~(1) — In general, line positions will be those that provide direct services to the public. Staff positions will be those which perform services of an advisory/research nature or which are provided to keep the City government operating smoothly. An example of a line position is that of police officer. An example of a staff position is city attorney. The majority of City resources~~

- should be given to the producing activities as performed by line positions.
- (2) ~~Organizational charts will be used to establish lines of authority. For certain projects, in which specialized knowledge or skill may be required, functional authority (which is the delegated right to have managerial power over a specific project and its team members, even when such authority may cross departmental lines) may be delegated to members of the administrative organization. Delegation of functional authority will not be made a part of any organizational chart.~~
- (g) ~~Decentralization of Functions. The majority of functions in the city administration will be administered through a decentralized process. As such, assignments and responsibilities will be delegated to lower levels to increase efficiency. More centralized control will change the intent of the policy or when such actions are thought to be controversial. This process will provide for stability and protect the elected official's right and duty to establish policy.~~
- (h) ~~Staffing Levels. Staffing levels should be held to the minimum basic core of employees. These employees should be given job security during cyclical downturns. When workload demands exceed the core staff's ability to perform, the excess workload should be performed by temporary personnel or performed by way of contract so as to limit long term staffing commitments. The basic core of staff can increase as the City increases in size. The minimum core levels shall be defined by the City Administrator and shall only increase after his careful review.~~
- (i) ~~Contract Services. The City will consider contracting for services when such contracts can be shown to be cost effective and will provide acceptable service levels.~~
- (j) ~~Limitation on Administrative Rules. Administrative rules should be restricted wherever feasible to eliminate unnecessary bureaucracy, avoid unnecessary financial burdens and prevent unnecessary restrictions of freedom of the public.~~
- (k) ~~Executive Summaries. Executive summaries of major policy recommendations and research will be required of staff before proposals will be considered for adoption. These summaries should be approximately one page in length and follow a format designed by the City Administrator to clearly highlight the major points, benefits, costs, implications and other impacts of the recommendations.~~
- (l) ~~Management Style. The management style in the City Administration will generally follow the philosophy of "management by results" and not "management by process." This style will be implemented within broad standards and guidelines. Where the type of work or type of employee requires direct supervision, such supervision will be provided.~~
- (m) ~~Management by Objectives. The concepts of management by objectives and evaluation of performance will be strongly emphasized. Effective and efficient employees should be paid and rewarded appropriately. Employees who perform below acceptable standards should expect pay and rewards which will be below standard, including possible termination.~~
- (n) ~~Communication of Departments. Communication from, between and among departments shall be encouraged by the City Administration. Requests for services, the changing of priorities or the giving of general directions will follow proper lines of authority.~~

- (o) ~~Open Door Policy.~~ The City Administration will have an "open door policy" to help encourage a more open communication process. Specific guidelines will be established in order to avoid abuse of this principle.
- (p) ~~Departmental Policy.~~ Departmental policy proposals which may be controversial, change the intent of existing policy, or have major long term policy impact shall be considered and approved in the Mayor's cabinet meeting before implementation.
- (q) ~~Management by Exception.~~ Management by exception, which is the process of having designated employees submit proposed policies or actions in writing to a supervisor and having the policy or action adopted automatically if the supervisor does not respond with comments within a definite time period, will be implemented in accordance with specific guidelines. This method of management will be used to increase work flow and efficiency.
- (r) ~~Staff Participation.~~ Staff members are encouraged to submit recommendations to the Administration with regard to the adoption of policy. Such additional recommendations may conflict with recommendations previously submitted by other staff members, and in the event of such conflict, justification for a conflicting recommendation should be provided.
- (s) ~~Citizen Involvement.~~ Citizen involvement in policy issues including those of direct impact on citizens will be encouraged.
- (t) ~~Other.~~ The areas as outlined above are not meant to be limiting factors in the management approach in Sandy City but merely a description of principles that are necessary to define or understand.

6-1-5. Definitions.

- (a) ~~The terms used in this Administrative Code shall have the meanings normally given to such terms, unless a specific definition or a particular context in which the term is used shall require a different meaning to be given to such term.~~
- (b) ~~It is the intent of this Code that certain terms be used interchangeably within the several provisions of the Code and to that end, all terms shall be interpreted and defined to conform with the whole of the Code and the provisions of the laws of the State of Utah.~~

Chapter 2 OFFICE OF MAYOR

6-2-1. Qualifications and Term of Office.

The Mayor shall be a registered voter of the municipality, and shall be elected at large for a term of four (4) years, and shall maintain residency within the boundaries of the City during such term of office, as required by Utah law.

6-2-2. Vacancy in Office of Mayor.

If any vacancy occurs in the office of Mayor, the City Council within thirty (30) days shall make an appointment to fill the vacancy created unexpired term of the office until the next

~~municipal election when his successor can be elected and qualified under the procedures of Section 20A-1-510 of the Utah Code. The Chairman of the Council shall become acting Mayor pending the appointment of a person to fill the office of Mayor.~~

6-2-3. Powers and Duties.

~~— The Mayor shall be the chief executive and administrative officer of Sandy City and shall have the power and duty to:~~

- ~~— (a) Enforce the laws and ordinances of Sandy City;~~
- ~~— (b) Execute the policies adopted by the Sandy City Council;~~
- ~~— (c) Appoint and remove administrative assistants;~~
- ~~(d) Appoint, with the advice and consent of the City Council, a City Administrator to exercise such powers of administration and perform such duties as the Mayor shall prescribe;~~
- ~~(e) Appoint, upon the recommendation of the City Administrator and the advice and consent of the City Council, department heads;~~
- ~~(f) Remove, upon recommendation of the City Administrator, department heads, administrative assistants and appointed officials and may, when deemed necessary, remove the City Administrator;~~
- ~~(g) Appoint, with the advice and consent of the Council, members to the Planning Commission, Board of Adjustment, other commissions, boards and committees of the City, except as may otherwise be specifically limited by law.~~
- ~~(h) Appoint, upon the recommendation of the City Administrator and with the advice and consent of the City Council, a qualified person to each of the offices of Recorder, Treasurer, Engineer and Attorney; and any other office deemed necessary for the good government of the municipality and make appointments to the same; and regulate and prescribe the powers and duties of all other officers of the municipality, except as provided by law or ordinance;~~
- ~~(i) Exercise control of all departments, divisions and bureaus within the City government;~~
- ~~(j) Attend all meetings of the City Council with the right to take part in all discussions and the responsibility to inform the Council of the condition and needs of the City, make recommendations and freely give advice to the Council, except that the Mayor shall not have the right to vote in Council meetings.~~
- ~~(k) Appoint the City Administrator as the budget officer with the purpose of conforming to the requirements of the Uniform Municipal Fiscal Procedures Act, and in all other respects fulfill the requirements of that Act, including the presentation of a proposed budget to the City Council;~~
- ~~(l) Remove department heads and officers and employees, commission, boards and committees;~~
- ~~(m) Furnish the City Council with a report, at least once every two (2) months, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations and the amount of indebtedness incurred or contracted against each appropriation (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date, and such report shall be made available for public inspection;~~
- ~~(n) Approve and authorize administrative standards, procedures and programs;~~

~~(o) — Act as the financial officer of the City and exercise claim approval authority as authorized by state law:~~

~~(1) — Approve payroll checks prepared for authorized City employees hired in accordance with established personnel policies. The amount paid to any such employee shall be in accordance with the specific salary ranges and/or staffing and compensation plan as adopted by the City Council; and~~

~~(2) — Approve claims submitted for payment of routine expenditures, such as utility bills, payroll related expenses, and supplies and materials when such supplies and materials have been purchased according to authorized purchasing procedures as established by ordinance or resolution; and~~

~~(3) — Approve claims when submitted in accordance with approved contracts; and~~

~~(4) — Approve claims submitted for capital purchases, when such purchases are made pursuant to established purchasing procedures as referenced in the budget document and approved by an appropriation resolution adopted for the current fiscal year budget.~~

~~— The above claim approval authority concerning claims delegated to and exercised by the Mayor is hereby subject to the following restrictions:~~

~~(5) — No claim may be approved by the Mayor which is not within the duly and legally adopted or adjusted budget; and~~

~~(6) — No claim may be approved which was not made in accordance with personnel, purchasing or other established ordinances and procedures.~~

~~— The Director of Finance shall pre-audit all claims pursuant to the requirements of state law and shall not disburse any payments without appropriate approval. The Director of Finance shall establish procedures to ensure that documented approval is obtained in accordance with the provisions of law and ordinance. Monthly reports of detailed expenditures shall also be prepared by the Director of Finance and be made available to the Mayor and City Council.~~

~~— Specific budgetary and administrative procedures consistent with the provisions of this ordinance may be established by resolution.~~

~~(p) — Propose amendments to the Administrative Code;~~

~~(q) — Exercise power of veto as deemed appropriate upon every ordinance or tax levy passed by the City Council in accordance with the provisions of the laws of the State of Utah.~~

~~(r) — Fulfill the powers, duties and obligations of the office of Mayor as a full time position with the City;~~

~~(s) — Act as an official representative of the City in relationships with:~~

~~(1) — The press and other media representatives;~~

~~(2) — Governmental and quasi-governmental agencies;~~

~~(3) — The private sector;~~

~~(4) — Negotiations at which the City's interests must be represented.~~

~~(t) — Advocate City interests;~~

~~(u) — Provide leadership, promote citizen involvement and City unity and solidarity;~~

~~(v) — Sign documents as provided by law;~~

~~(w) — Recommend programs for the physical, economic, social and cultural development of the City;~~

~~(x) — Act in the City's interests upon ceremonial occasions, as a public relations officer~~

- ~~of the City and its communications between the City and the public.~~
- ~~(y) Solemnize marriages in accordance with the laws of this state;~~
 - ~~(z) Perform for the City the same functions, with regard to a municipal initiative and referendum, as would be delegated by law to the governor in the instance of a state wide initiative and referendum;~~
 - ~~(aa) Deliver, within five (5) days after notification and request, to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office;~~
 - ~~(bb) Formulate and recommend to the City Council policy for the adoption by said Council;~~
 - ~~(cc) Prepare and submit to the City Council an annual presentation on the financial status of the City, including a presentation of the Comprehensive Annual Financial Report, within six months following the close of the fiscal year;~~
 - ~~(dd) Perform such other duties as may be prescribed by ordinance or statute.~~

The Mayor:

- (a) is the chief executive, financial, and administrative officer of the City;
- (b) exercises the executive and administrative powers and performs or supervises the performance of the executive and administrative duties and functions of the City;
- (c) shall:
 - (1) keep the peace and enforce the laws of the City;
 - (2) execute the policies adopted by the City Council;
 - (3) appoint, with the City Council's advice and consent, a qualified person for each of the following positions: chief administrative officer; recorder; treasurer; engineer; and attorney;
 - (4) provide to the City Council, at least quarterly, a written report to the City Council setting forth: the amount of budget appropriations; the total disbursements from the appropriations; the amount of indebtedness incurred or contracted against each appropriation, including disbursements and indebtedness incurred and not paid; and the percentage of the appropriations encumbered;
 - (5) report to the City Council the condition and needs of the City;
 - (6) report to the City Council any release granted under Subsection (d)(13);
 - (7) if the Mayor remits a fine or forfeiture under Subsection (d)(11), report the remittance to the City Council at the City Council's next meeting after the remittance;
 - (8) perform each other duty prescribed by State statute or required by City ordinance that is not inconsistent with applicable law;
- (d) may:
 - (1) subject to budget constraints;

- (A) appoint: one or more deputies or administrative assistants to the Mayor or chief administrative officer; and
- (B) create any other administrative office that the Mayor considers necessary for good government of the municipality and appoint a person or persons to the office.
- (2) with the City Council's advice and consent and except as otherwise specifically limited by statute, appoint: each department head of the City, each statutory officer of the City; and each member of a statutory commission, board or committee of the City;
- (3) dismiss any person appointed by the Mayor or delegate that responsibility to department heads;
- (4) as provided in Section 10-3b-204 of the Utah Code, veto an ordinance, tax levy, or all or any part of an appropriation passed by the City Council;
- (5) exercise control of and supervise each executive or administrative department, division, or office of the City;
- (6) within the general provisions of statute and ordinance, regulate and prescribe the powers and duties of each other executive or administrative officer or employee of the City;
- (7) attend each City Council meeting, take part in City Council meeting discussions, and freely give advice to the City Council provided that the Mayor may not vote on any matter before the City Council;
- (8) appoint a budget officer to serve in place of the Mayor to comply with and fulfill in all other respects the requirements of the Uniform Fiscal Procedures Act for Utah Cities, Section 10-6-1 et seq. of the Utah Code;
- (9) execute an agreement on behalf of the City or delegate, by written executive order, the authority to execute an agreement on behalf of the City: if the obligation under the agreement is within certified budget appropriations and subject to Section 10-6-138 of the Utah Code;
- (10) at any reasonable time, examine and inspect the official books, papers, records, or documents of the City or any officer, employee, or agent of the City;
- (11) remit fines and forfeitures;
- (12) if necessary, call on residents of the City over the age of 21 years to assist in enforcing the laws of the state and ordinances of the City; and
- (13) release a person imprisoned for a violation of a municipal ordinance;
- (e) exercises all other powers and fulfills all other duties provided in the Utah Code or otherwise allowed by law, without limitation to those powers and duties specifically enumerated in this section.

6-2-4. — Power in Time of Riot, Unlawful Assembly or Unlawful Disobedience.

- (a) — ~~Whenever in the judgment of the Mayor it is determined, or when in the event of the Mayor's disability to act the members of the City Council determine, that an emergency exists as a result of riot, mob action, act of God, disaster or civil disturbance which causes danger of injury or damages to persons or property; the~~

- Mayor or said Council members shall have power to impose by proclamation or resolution any and all of the following orders deemed necessary to preserve the peace and order of the City:
- (1) ~~An order establishing a curfew upon all or any portion of the City thereby requiring all persons in designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel performing essential public services, fire fighters and City authorized or requested law enforcement officers and personnel may be exempted from such curfew.~~
 - (2) ~~An order closing any business establishment anywhere within the City for the period of the emergency, which businesses may include, but need not be limited to, those selling or dispensing intoxicating liquors or beer, gasoline or other flammable liquids or combustible products, firearms or other products creating a potential of personal harm or property damage.~~
 - (3) ~~An order closing all private clubs or portion thereof where the consumption of intoxicating liquor and/or beer is permitted.~~
 - (4) ~~An order discontinuing the sale of beer or other alcoholic beverages.~~
 - (5) ~~An order designating any public street, thoroughfare, alley, park or vehicle parking areas closed to motor vehicles and pedestrians for the period of the emergency.~~
 - (6) ~~An order calling upon regular and auxiliary fire or law enforcement agencies and organizations, within or without the City, to assist in preserving and keeping the peace within the City.~~
 - (7) ~~Such other orders as are imminently necessary for the protection of life and property.~~
 - (8) ~~The Council may convene to make policy decisions regarding emergency action whenever the Council may deem necessary.~~
- (b) ~~The proclamation or resolution of emergency action provided for herein shall become effective upon its issuance and dissemination to the public by appropriate news media.~~

6-2-4. Power in Time of Local Emergency.

- (a) The Mayor may declare a local emergency by proclamation provided that such local emergency shall not be continued or renewed for a period in excess of 30 days except by or with the consent of the City Council. Any order or proclamation declaring, continuing, or terminating a local emergency shall be filed promptly with Salt Lake County and the City Recorder's Office.
- (1) A declaration of a local emergency (A) constitutes an official recognition that a disaster situation exists within the City; (B) provides a legal basis for requesting and obtaining mutual aid or disaster assistance from other cities, counties, or from the state or federal government; (C) activates the response and recovery aspects of the City's emergency plan; and (D) authorizes the furnishing of aid and assistance in relation to the proclamation.

(2) A local emergency proclamation issued under this section shall state (A) the nature of the local emergency; (B) the area or areas that are affected or threatened; and (C) the conditions which caused the emergency.

(b) In order to protect life and property when a state of emergency or local emergency has been declared, the Mayor is authorized to:

(1) carry out, in the City, measures as may be ordered by the governor under State law; and

(2) take any additional measures the Mayor may consider necessary, subject to the limitations and provisions of State law. The Mayor may not take an action that is inconsistent with any order, rule, regulation, or action of the governor.

(c) When a state of emergency or local emergency is declared, the authority of the Mayor includes:

(1) utilizing all available resources of the City as reasonably necessary to manage a state of emergency or local emergency;

(2) employing measures and giving direction to local officers and agencies which are reasonable and necessary for the purpose of securing compliance with the State Disaster Response and Recovery Act Section 53-2a-201 et seq. of the Utah Code and with orders, rules, and regulations made under this Section;

(3) if necessary for the preservation of life, issuing an order for the evacuation of all or part of the population from any stricken or threatened area within the City;

(4) recommending routes, modes of transportation, and destinations in relation to an evacuation;

(5) suspending or limiting the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles in relation to an evacuation, except that the Mayor may not restrict the lawful bearing of arms;

(6) controlling ingress and egress to and from a disaster area, controlling the movement of persons within a disaster area, and ordering the occupancy or evacuation of premises in a disaster area;

(7) clearing or removing debris or wreckage that may threaten public health, public safety, or private property from publicly or privately owned land or waters, except that where there is no immediate threat to public health or safety, the Mayor shall not exercise this authority in relation to privately owned land or waters unless;

(A) the owner authorizes the employees of designated local agencies to enter upon the private land or waters to perform any tasks necessary for the removal or clearance; and

(B) the owner provides an unconditional authorization for removal of the debris or wreckage and agrees to indemnify the City and state government against any claim arising from the removal; and

(8) invoking the provisions of any mutual aid agreement entered into by the political subdivision.

- (d) If the Mayor is unavailable to issue an order for evacuation under Subsection (c)(3), the Chief of the Police Department may issue an urgent order for evacuation, for a period not to exceed 36 hours, if the order is necessary for the preservation of life. The Mayor may ratify, modify, or revoke the Police Chief's order.
- (e) Notice of an order or the ratification, modification, or revocation of an order issued under this section shall be given to persons within the City by the most effective and reasonable means available and filed in the Office of the City Recorder.
- (f) The special disaster emergency authority vested in the Mayor pursuant to this Section shall be in addition to, and not in lieu of, any other emergency authority otherwise constitutionally or statutorily vested in the City.

6-2-5. Council-Mayor Relationships.

- (a) The Mayor shall make all appointments to the Planning Commission and Board of Adjustment after having received the advice and consent of the City Council on each separate prospective appointment. ~~The foregoing notwithstanding, the Mayor is hereby authorized and granted the power to fire, discharge, remove, suspend or otherwise appropriately discipline officers, department heads, administrative assistants and the City Administrator and other persons in the executive branch of City government, and to delegate this authority, consistent with the provisions of due process, City ordinance, and State statute, or other applicable law.~~
- (b) Before any member of the City Council requests from any member of the administrative staff any assistance, advice or work product, the Council member shall consult with and obtain approval from tThe Mayor, acting in his capacity as the liaison between the administrative staff and the City Council, shall be consulted with and his approval obtained before any member of the City Council shall request from any member of the administrative staff any assistance, advice or work product. This consultation and approval requirement shall not apply to requests by members of the City Council for information, advice or assistance from staff members when such action can be accomplished in a short period of time or without the expenditure of more than a nominal amount of administrative time or funds.

6-2-6. Office of the Mayor.

Subject to the limitations and requirements of applicable budget appropriations, the Mayor may hire such assistants and officers who shall perform such functions and duties as may be assigned to them by the Mayor. In order to provide proper staff and management services to the City and its departments, the Mayor is authorized to establish within his office such divisions or sections as may seem necessary or proper for the purposes aforesaid. From time to time the Mayor may:

- (a) ~~a~~Abolish, change or reorganize the same;
- (b) ~~a~~Abolish, change, reorganize or transfer functions, duties and services;
- (c) ~~a~~Assign or reassign personnel to or between any section or division of the office of the Mayor; and
- (d) ~~t~~Transfer functions, duties and services and assign or reassign personnel from, to, between and among any section or divisions of the Mayor's office.

Such actions by the Mayor may be on a temporary or permanent basis, subject to further change, reorganization or reassignment as the Mayor may determine upon the advice of the City Administrator.

6-2-7. Executive Committees.

The Mayor may solicit the advice of private parties and may administratively establish, drawing from City personnel and private parties, executive committees to assist and provide counsel in the administration of City affairs. Any such committees so organized shall report to, be coordinated by, and have a liaison with the City through the executive branch of City government in a manner designated by the Mayor.

Chapter 3 CHIEF ADMINISTRATIVE OFFICER

6-3-1. Chief Administrative Officer.

- (a) The Mayor shall be required, with the advice and consent of the City Council, to appoint a Chief Administrative Officer to exercise such powers of administration and perform such duties as the Mayor shall prescribe. ~~The Chief Administrative Officer may be removed at the sole discretion of the Mayor.~~ The Chief Administrative Officer may also be known as and designated by the title of “City Administrator-” or “CAO.”
- (b) The positions of Mayor and Chief Administrative Officer are intended to complement each other by combining strong political leadership with management expertise. For this reason, the Chief Administrative Officer shall be appointed on the basis of his ability and prior experience in the field of public administration, together with such other qualifications as may hereinafter be set forth.
- (c) The Chief Administrative Officer may be removed at the sole discretion of the Mayor.

6-3-2. Interim Chief Administrative Officer.

- (a) Subject to Section 10-3b-202 of the Utah Code, the Mayor may appoint an interim chief administrative officer to serve during the interim vacancy period between a municipal general election held to elect a mayor and the day on which a new mayor-elect begins the Mayor's term, provided that the interim chief administrative officer's term shall expire once a new chief administrative officer is appointed by the new Mayor after the interim vacancy period has expired. This section does not apply, however, if the Mayor who holds office on the day of the municipal general election is re-elected to the Mayor's office for the following term.
- (b) A Mayor who appoints an interim chief administrative officer in accordance with section (a), may not enter into an employment contract that contains an automatic renewal provision with that officer.

6-3-32. Duties of Chief Administrative Officer.

The Chief Administrative Officer shall have the power and duty to:

- ~~(a)~~ ~~Act as the City Administrator;~~
- ~~(ab)~~ rRecommend to the Mayor the appointment of persons to the position of department head and to other employment positions within the City;
- ~~(be)~~ rRecommend to the Mayor the removal of persons such as department heads or as other employees of the City;
- ~~(cd)~~ aApprove administrative policy and rules;
- ~~(de)~~ aAct as the budget officer of the City and have the power to delegate the authority and responsibility of such office when designated by the Mayor;
- ~~(ef)~~ aAct through the Mayor to enforce the laws, ordinances and policies as established by the City Council and enforce such policies as established by the administrative rule making process;
- ~~(fg)~~ bBind the City to financial agreements in emergency situations in an amount as established by resolution of the City Council;
- ~~(gh)~~ aAct as an official representative of the City administration in the Mayor's absence;
- ~~(hi)~~ sSign plats and agreements in behalf of the City in the Mayor's absence or as delegated by the Mayor;
- ~~(ij)~~ rRecommend to the Mayor and implement upon adoption such projects as may increase productivity within the City government;-
- ~~(jk)~~ cCarry out assignments as delegated by the Mayor;
- ~~(kl)~~ eExercise such other powers and responsibilities as may be required to efficiently and effectively administer the City government on a day-to-day basis;
- ~~(lm)~~ eExcept as provided in the Legislative and Judicial Codes, serve as the administrative head of all of the departments within the City government and all department heads and employees of the City shall be administratively responsible to him in the exercise of his duties herein;
- ~~(mn)~~ aAttend all meetings of the City Council unless specifically excused and recommend for adoption such measures as he shall deem expedient;
- ~~(no)~~ hHold regular office hours at the City offices and be responsible for the efficient

resolution of problems arising in the course of governmental business carried on by the City;:-

- (o) ~~r~~Resolve actual and potential conflict among departments of the City government and maintain harmony conducive to proper functioning of the City Administration;:-
- (p) ~~p~~Plan, direct and control, under the direction of the Mayor, the administrative affairs of the City; and:-
- (q) ~~Keep all original copies of official records pertaining to the office of City Administrator in the City Hall and not remove such records therefrom. The Administrator shall also, within five (5) days of notification or request, deliver to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office. Any refusal to do so shall be deemed a misdemeanor.~~

6-3-43. Qualifications.

- (a) The City Administrator need not be a qualified elector or resident of Sandy City.
- (b) The City Administrator shall serve for an indefinite term of office except that he shall be reappointed as required for other appointive offices by state statutes.
- (c) The City Administrator shall serve until such time as he may be removed by the Mayor.
- (d) The City Administrator shall be appointed on the basis of the following minimum qualifications which shall include, but not be limited to:
 - (1) Education: A Bachelor's Degree and a Master's Degree in public or business administration or related areas of study. Experience may be substituted on a year for year basis to fulfill the education requirements of the Master's Degree.
 - (2) Experience: ~~5~~ 10 years experience in public administration or related fields of administration.
 - (3) Knowledge: A knowledge of public administration theory and practice; administrative organization, and municipal laws, ordinances and regulations.

6-3-54. Relationship with City Council.

- (a) ~~The City Administrator, acting in the capacity of the Administrator of the day-to-day affairs of the City government, shall be directed in such administrative activity by the Mayor. Any request from members of the City Council for the City Administrator to perform research, administrative or other governmental services shall not be made directly to the City Administrator, but shall be made after consultation with and approval of the Mayor. This requirement for consultation with and approval of the Mayor shall not include those requests by members of the City Council to the City Administrator which may require a nominal amount of administrative effort or time.~~
- (b) City Council members may not direct that the City Administrator appoint or remove a person from an executive City office, interfere in any way with an executive officer's performance of the officer's duties, or publicly or privately give orders to a subordinate of the Mayor.

6-3-6. Duties of Assistant Chief Administrative Officer(s).

Subject to the limitations and requirements of applicable budget and fiscal appropriations, the City Administrator may appoint one or more Assistant CAO's to perform any of the duties of the City Administrator including, but not limited to, the following:

- (a) assist the City Administrator in his/her duties overseeing the operations of the City;
- (b) serve as the acting City Administrator in the absence of the City Administrator;
- (c) supervise any departments, functions, divisions, or personnel as assigned by Mayor or City Administrator; and
- (d) complete special studies, assignments, project management, and other duties as assigned by the Mayor or City Administrator.

Chapter 4 DEPARTMENTAL ORGANIZATION

6-4-1. Definitions.

The following terms shall, for the purposes of this Administrative Code, be defined as follows:

- (a) Department: The designation within the organizational structure of the administrative branch of city government which groups a broad classification of similar functions, services and duties.
- (b) Division: A designation within the organizational structure of a department which groups similar functions, services and duties.
- ~~(c) Bureau: A designation within the organizational structure of a division which specifies a limited range of similar functions and duties. A bureau may also be known as a "service" or "office."~~

6-4-2. Principles of Departmental Organization.

- ~~(a) The departments as herein set forth shall become a part of the Administrative Code and thereafter be considered a part of the organizational structure of the administrative branch of the City government.~~
- (a) The divisions and services which may, from time to time, be made a part of the several departments herein specifically described shall be made a part of the departmental structure by the Mayor, upon recommendation of the City Administrator. Notwithstanding their inclusion as part of this original code, departments, divisions, bureaus and services, or offices may be added, modified or removed at the sole discretion of the Mayor, subject to budgetary authority of the City Council, to allow for administrative flexibility and to provide for the

changing needs of the City.

- (be) A designation of any department, division, ~~bureau or~~ service or office shall not assure staffing for any such portion of the administrative organization, but all staffing of the positions created by the sections of this Administrative Code and by the Mayor as an exercise of the power granted to him by this Administrative Code shall be subject to the limitations and requirements of applicable budget and fiscal appropriations.

6-4-3. Appointed Officers.

- (a) ~~The following officers occupy appointed positions within the administrative branch of City government and the employment standards and job descriptions pertaining to such appointed officers shall be created, modified and implemented by the Mayor upon the recommendation of the City Administrator:~~

- ~~(1) City Administrator~~
- ~~(2) City Recorder~~
- ~~(3) City Treasurer~~
- ~~(4) Director of Public Works~~
- ~~(5) City Attorney~~
- ~~(6) Director of Administrative Services~~
- ~~(7) Chief of Police~~
- ~~(8) Fire Chief~~
- ~~(9) Director of Community Development~~
- ~~(10) Director of Parks and Recreation~~
- ~~(11) City Engineer~~
- ~~(12) Director of Public Utilities~~

- (b) ~~All appointments to the position of department head or to other appointive office as required by state law shall be made by the Mayor, upon the recommendation of the City Administrator and after advice and consent of the City Council.~~

- (c) ~~All department heads and other appointed officers shall keep all original copies of official records pertaining to their office within the public buildings in which their official office is maintained and shall not remove such record therefrom. Such department heads and appointed officials shall also, within five (5) days of notification or request, deliver to their successor in office all properties, books and effects of every description in their possession belonging to the City or appertaining to their office. Any refusal to do so shall be deemed a misdemeanor.~~

6-4-34. Designation of Departments and Department Heads Thereof.

(a) Subject to the discretion of the Mayor set forth in Section 6-4-2 of the Revised Ordinances of Sandy City, t~~The following shall be departments within the administrative or~~ executive branch of City government and the appointed officials as herein designated shall act as department heads and be responsible for the administrative direction of the respective departments:

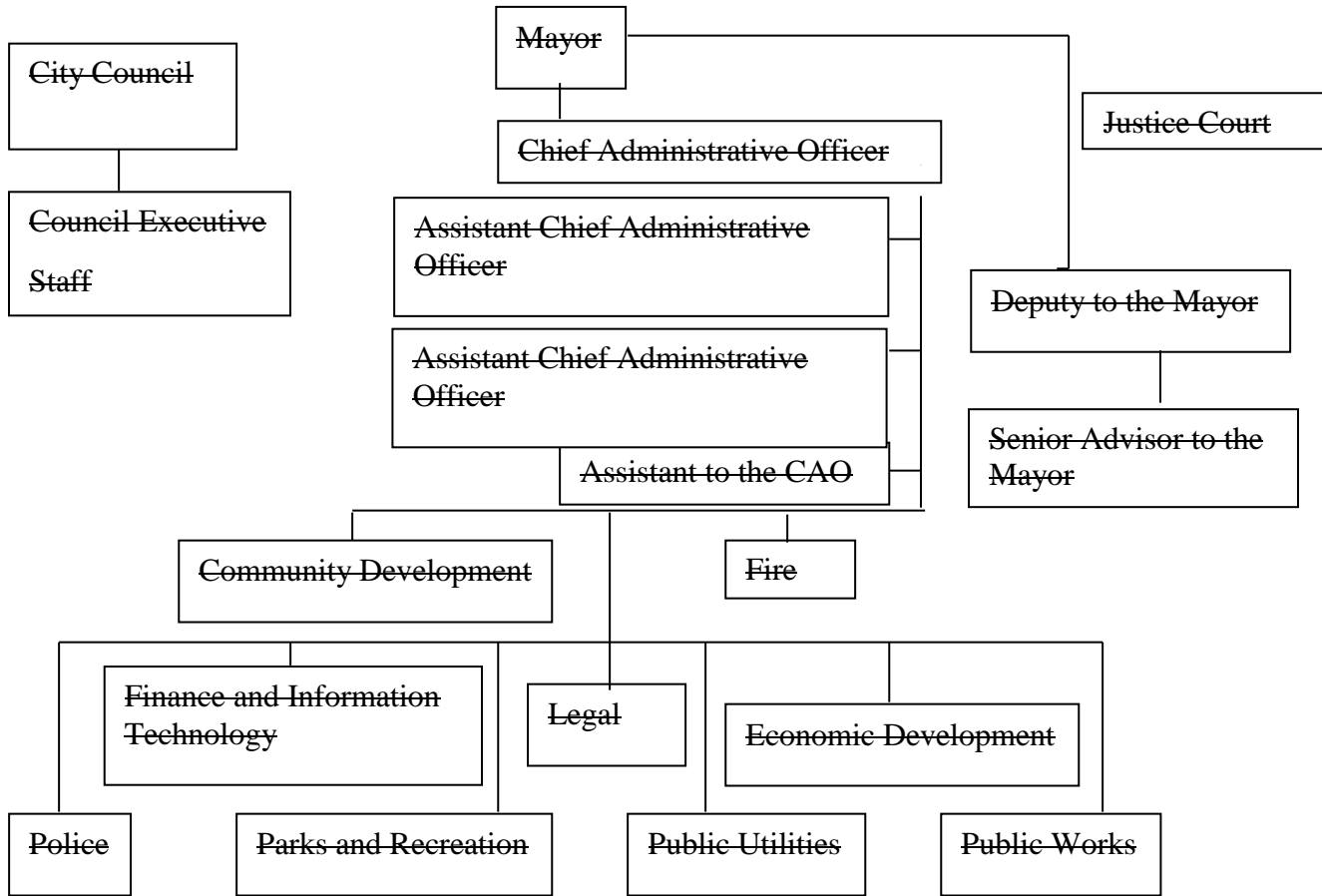
- (a~~1~~) The Department of ~~Administrative Services~~ Finance and Information Technology shall be headed by the Director of ~~Administrative Services~~ Finance.

- (b2) The Legal Department shall be headed by the City Attorney.
- (3e) The Police Department shall be headed by the Chief of Police.
- (4d) The Fire Department shall be headed by the Fire Chief.
- (5e) The Department of Public Works shall be headed by the Director of Public Works.
- (6f) The Department of Parks and Recreation shall be headed by the Director of Parks and Recreation.
- (7g) The Department of Community Development shall be headed by the Director of Community Development.
- (8h) The Department of Public Utilities shall be headed by the Director of Public Utilities.

(b) A department head may assume the direction of assistants and employees of the department, subject to the limitations and requirements of the budget, appropriations, and applicable statutes and ordinances.

6-4-45. Organizational Responsibility Chart.

The following diagram graphically displays the organizational responsibility within the executive branch of City government:



The organization of the executive branch shall be graphically displayed in the annual budget.

6-4-56. Departmental Functions and Duties of Appointed Officers.

- (a) Department of Administrative Finance and Information Technology Services.
- (1) Functions. The Department of Administrative of Finance and Information Technology Services is designed to consolidate the majority of staff functions within the General Fund. Its purpose is to place the support services of the City under one head as a means of facilitating coordination and control. The Department shall be responsible to provide for central support required by all City for operations which shall include, but not be limited to, the following:
- A. Finance: Budget preparation and control, purchasing, utility billing, accounts receivable and payable, general ledger accounting and payroll, long-term financial planning, financial management and reporting.
 - B. Information Services: Records management, community services, clerical support and internal telephone system.
 - C. Management Services
 - B. Information Technology – the application of computers and telecommunications equipment and systems, Geographic Information System (“GIS”), data processing, research, special management reports and data center. The data center will accumulate, organize, store and disseminate official City information. No data will be considered as "official City information" unless it has been formally approved.
 - D. Personnel: Recruiting, administration of the personnel ordinance and such other personnel functions as may be necessary for the proper operation of the City.
 - E. Building Maintenance: Operation and maintenance of the City Hall facility.
- (2) Duties of Director of Finance: There is hereby established for Sandy City the position of Director of Finance. The position of Director of Finance shall serve as the Finance and Information Technology Director. be assigned to the Department of Administrative Services and shall be under the direction of that Department. The Director of Finance shall be appointed, with the advice and consent of the City Council, by the Director of Administrative Services. The Director of Finance shall not, at any time, assume the duties of City Treasurer or of the Mayor’s statutory duties as the City Financial Officer. The Director of Finance shall perform the following duties:
- A. Supervise all financial accounting activities within the City.
 - B. Advise all department heads with regard to fiscal policy.
 - C. Manage City investments.
 - D. Supervise debt administration.
 - E. Assume responsibility for the preparation of internal, annual and other financial reports as required by law or City policy.

- F. ~~Assume responsibility for the auditing of all financial claims made against the City to determine if such claims have been properly processed in accordance with City and state requirements.~~
 - G. ~~Assume responsibility for determining whether proper approval has been obtained prior to the processing of any claim against the City for final payment.~~
 - H. ~~Assume responsibility for supervision of the Purchasing and Inventory Control systems as established by City ordinance and resolution.~~
 - I. ~~Assure compliance with the provisions of the Uniform Accounting Manual for Utah Cities.~~
 - K.A. Perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities and
 - J.B. Perform such other duties as may be required by the Mayor, ~~or~~ City Administrator ~~or department heads~~ and at all times remain consistent with City ordinance and state statute.
- (3) ~~Duties of the City Recorder. There is hereby established for Sandy City the position of City Recorder, which position shall be assigned to the Department of Administrative Services and shall be under the direction of that Department. The City Recorder shall perform the following duties:~~
- A. ~~Keep the corporate seal and all official papers and records of the City.~~
 - B. ~~Seal and attest all legal documents of the City. Any contract made on behalf of the City or to which the City is a party shall be void and of no force and effect against the City unless attested to by the Recorder.~~
 - C. ~~Cause copies of all deeds, contracts, leases or other documents evidencing the conveyance of any interest in real estate, granted by the City, to be recorded and a copy of all such documents to be delivered to the appropriate City officer before being delivered to the grantee; provided, that if it is impractical to record said deed or other documents with the County Recorder before such delivery, that a true executed copy thereof shall immediately be recorded upon the receipt thereof.~~
 - D. ~~Notify the appropriate City officer of the final acts which pertain to the purchase, sale, transfer, lease or encumbrance of any real estate in which the City has an interest.~~
 - E. ~~Certify to copies of papers filed in the office of the City Recorder, and to transcripts from all records of the City Council and Mayor, so that such copies and transcripts shall be evidence in all courts, as if the original were produced.~~
- (3) Duties of the City Treasurer. There is hereby established for Sandy City the position of City Treasurer, which position shall be assigned to the Department of Administrative Finance and Information Technology Services and shall be under the direction of that Department. The City Treasurer shall ~~perform the following duties:~~
- (A.) Perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities;

~~(B.) follow the procedures and requirements of the State Money Management Act; and~~

~~(C.) perform such other duties as may be required by the Department of Finance and Information Technology consistent with City ordinance and state statute.~~

- ~~A. Supervise the collection of all taxes, assessments, fines, forfeitures, service charges, licenses, fees, and other revenues of the City, as provided for by applicable laws and ordinances and in the manner so prescribed in the same.~~
- ~~B. Be responsible for the disposition of City revenues.~~
- ~~C. Make all disbursements of funds of the City, subject to budget appropriations.~~
- ~~D. Cause an accurate and detailed accounting of all transactions, receipts, disbursements and other matters to be maintained.~~
- ~~E. Maintain legally required balances in sinking fund accounts and special improvement district guarantee fund accounts.~~
- ~~F. Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~

(b) Legal Department.

(1) The City Attorney shall be the chief legal officer of the City and shall be responsible to the Mayor and City Administrator for the proper administration of the legal affairs of the City. Said attorney, or his designated assistants, shall have the following functions and duties:

- ~~(1)A.~~ pProsecute all charges of violation of municipal ordinances and regulations in the courts or administrative tribunals and prosecute and defend, or supervise the prosecution and defense, of all actions and appeals involving the City in all courts and before all boards, commissions and administrative agencies;:-
- ~~(2)B.~~ aAttend all City Council meetings, unless specifically excused therefrom;:-
- ~~C.~~~~(3)~~ fFurnish legal advice, counsel and assistance to the Mayor, City Council and all other City officers, boards, commissions and agencies, in relation to their duties and the business of the City;:-
- ~~(4)D.~~ €control and direct all legal services performed by special counsel for the City, who may be retained from time to time to assist the City Attorney in providing legal services for the City; provided, however, that the City Attorney shall not be responsible in any way for counsel who ~~(i)~~ (i) has not been specifically retained by the City Attorney; ~~(bii)~~ (bii) is not paid from funds controlled by the City Attorney; or ~~(eiii)~~ (eiii) is not under the actual direction of the City Attorney's Office;:-
- ~~(5)~~ Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.
- ~~(6)E.~~ pPrepare or review all proposed ordinances and resolutions presented to the Mayor or City Council;:-
- ~~(7)F.~~ aApprove the form of all contracts entered into by the municipality;:- and
- ~~(8)G.~~ pPrepare the necessary affidavits and verification on behalf of the City in

any and all proceedings.

(2) The foregoing notwithstanding, the City Attorney shall not act, either personally or through his staff ~~by his deputies~~, as both a prosecutor or advocate before, and as an advisor to, any administrative department, board, commission, ~~or agency~~, official, or employee of the City. In cases where such a conflict shall arise, special counsel may be funded and appointed by the affected department, board, commission or agency. Any such special counsel shall not be subject to the control or direction of the City Attorney in such matter, and shall provide the legal service to the affected entity or person which cannot be provided by the City Attorney.

(c) Police Department.

(1) Functions: The Police Department ~~and its Chief~~, by and through its sworn officers, shall pursue the following objectives ~~be responsible for~~:

- A. p~~P~~reserving the public peace by planning for enforcement of the laws of the City;
- B. p~~P~~reventing crime ~~with a major effort toward the adoption of programs for crime prevention~~;
- C. d~~D~~etecting and arresting criminal offenders;
- D. p~~P~~rotecting the rights of persons and property;
- E. r~~R~~egulating and controlling motorized, bicycle and pedestrian traffic, ~~with a major emphasis on the adoption of programs to prevent traffic accidents~~;
- F. t~~T~~raining of sworn personnel;
- G. p~~P~~roviding and maintaining police records and communication systems; and
- H. s~~S~~upervising all functions of animal services ~~control~~ as required by City ordinance.

(2) Powers and Duties: The Chief of Police, acting by himself, or by and through the sworn officers of the Police Department, shall:

- A. e~~E~~xecute and return all writs and processes as directed by a court of competent authority, and ~~in~~ criminal cases, quasi-criminal cases, or cases in violation of City ordinances, he may serve the same in any part of Salt Lake County;
- B. s~~S~~uppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the City, and pursue and arrest any person fleeing from justice in any part of the State;
- C. a~~A~~pprehend any persons in the act of committing any offense against the laws of the State or ordinances of the City and bring such persons before a court or other authority of competent jurisdiction ~~circuit judge, or other competent authority~~, for examination and trial consistent with law;
- D. ~~Have like powers and be subject to like responsibilities as sheriffs or constables in similar cases.~~
- DE. ~~Be responsible for~~ promote the prevention of accidents, crime and other incidents prohibited by statute or ordinances;
- EF. ~~Be responsible for~~ promote the protection of life and property, all pursuant to and as provided by statute and ordinance; and.

- G. ~~Assume direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~
- F. have like powers as sheriffs or constables in similar cases.
- (3) ~~Bail Commissioners: Bail commissioners, in the event that the same shall be appointed for service within Sandy City, pursuant to 10-3-920, U.C.A, as amended, or its successor statute, shall be supervised by the Police Chief.~~
- (d) Fire Department.
- (1) ~~The Fire Department and its Chief, acting by and through its sworn officers, shall be responsible for the:~~
- (1)A. ~~Development~~ develop and administration of administer public education and fire prevention programs;:-
- (2)B. ~~Inspection of~~ inspect buildings, vacant fields, fire hydrants and proposed building plans.
- (3)C. ~~Development~~ develop, administration administer, and enforcement of all applicable state and City laws, ordinances, code and regulations pertaining to:
- Ai. ~~The prevention~~ inspection of fire hydrants and proposed building plans;:-
3. ~~Development, administration and enforcement of all applicable state and City laws, ordinances, code and regulations pertaining to:~~
- Aii. ~~The prevention and extinguishing of fires;:-~~
- Biii. ~~The storage and use of explosives and flammables;:-~~
- Civ. ~~The maintenance and regulation of fire escapes and fire extinguishing apparatus; and:-~~
- Dv. ~~The means and adequacy of building exits;:-~~
- (4)D. ~~Investigation of~~ investigate the causes, origins and circumstances of fires;:-
- (5)E. ~~Development~~ develop and operation of operate emergency fire alarm and communications systems;:-
- (6)F. ~~Provision of~~ provide fire rescue and emergency services;:-
- (7)G. ~~Maintenance of~~ provide an emergency medical program; and:-
- (8)H. ~~Protection of~~ protect life and property.
- (9) ~~Direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~
- (e) Department of Public Works.
- (1) Functions: The Department of Public Works shall have charge and be responsible for the:
- A. Supervision of the design, construction, operation and maintenance of the public works of the City, including streets, parkways, sidewalks, surface drainage ways, traffic control devices, street lighting, solid waste services, and similar public ways and facilities.
- B. Functions performed by virtue of ordinance and statute by the City Engineer and for the engineering records, which shall include certified copies of field notes, maps, plats, drawings, deeds, dedications, final estimates, specifications, streets, sidewalks, and other engineering work.
- C. Acquisition and maintenance ~~Operation~~ of the City vehicle fleet.
- D. ~~Supervision of the design, construction, operation and maintenance of the~~

~~flood control system within Sandy City.~~

- ~~D~~E. Design and construction of ~~non-utility~~ capital improvements projects constructed within Sandy City.
 - ~~E~~F. Promotion of the efficient and safe usage and the future development of the City's transportation network through transportation engineering techniques in accordance with the master plan of the City.
- (2) City Engineer. The position of City Engineer shall be under the direction of the Director of the Department of Public Works. The City Engineer shall be a registered professional engineer within the State of Utah and shall have graduated, as a minimum requirement, with a B.S. or M.S. degree from an accredited four year college. The City Engineer shall be responsible for the:
- A. Review, supervision and acceptance of all engineering ~~and architectural~~ design, and construction work required by or for the City, except as otherwise assigned to other departments or officers of the City.
 - B. Coordination and supervision of all construction work done within the public rights of way of the City.
 - C. Maintenance of records of public improvements as prescribed by State statute, including but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications and contracts.
 - ~~D. Direction of assistants and employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~
- (f) Department of Public Utilities.
- (1) Functions: The Department of Public Utilities shall have charge and be responsible for:
- A. ~~S~~supervision of the design, construction, (in cooperation with City Engineer), and operation and maintenance of utilities of the City, including, but not limited to, culinary water, irrigation water, storm drains, flood control systems, streetlight systems, and other public utilities;-
 - B. ~~P~~promotion of efficient, safe and usable municipal utilities, and the future development of the City's utilities through proper management and operational techniques, and through the proper education of the City's residents;-
 - C. ~~D~~evelopment and acquisition of utility rights, properties, shares, interests, etc., which currently exist, or which may have reason to exist for the benefit of the City's residents; ~~and~~:-
 - D. ~~C~~oordination of all aspects of utilities within the City, including, but not limited to, master planning, conjunctive management with other utilities both public and private, site selection, design, construction, maintenance, and operation.
 - ~~E. The director of the department of public utilities may approve, with the consent of the City Council, an alternative to the requirement of placing existing utility lines underground on a temporary basis, upon finding that burial is currently impractical and would be best accomplished as part of a future large scale project. The director may also approve an alternative to the requirement of placing new and existing utility lines underground on~~

~~Utah State highway projects, upon such findings by the director.~~

- (2) Utility Engineering: Under the direction of the City Engineer, the Department of Public Utilities engineering section shall be responsible to:
- A. ~~R~~review, supervise and accept all engineering and architectural design, and construct utility facilities required by or for the City;:-
 - B. ~~C~~oordinate and supervise all utility construction work within the public rights of way of the City; and -
 - C. ~~M~~aintain records of utility improvements as prescribed by State statute, including but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts.
 - D. ~~Direct assistants and employees of the office, subject to the limitation and requirements of the budget appropriations, and applicable statute and ordinances.~~

(g) Department of Parks and Recreation.

- (1) The Department of Parks and Recreation shall:
- A. ~~is responsible to construct~~, operate, schedule and maintain all landscaped areas and park facilities owned or managed by the City, including -~~These include parks, buildings and structures within the park system, golf course, cemetery, public trails, and public grounds;:-~~
 - B. ~~The Department of Parks and Recreation is also responsible to set up, take down, and assist in the operation of City events;~~
 - C. ~~and to organize, direct and provide recreational programs for City residents; and~~
 - D. construct, operate, schedule, or maintain any other parks or recreation facilities as designated by contract or interlocal agreement.

~~The Director of the Department of Parks and Recreation must assume the direction of assistants and employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~

(h) Department of Community Development.

- (1) Functions: The Department of Community Development ~~and its Director~~ shall have charge of and be responsible for:
- A. ~~P~~roviding the assistance necessary to the Administration, City Council and Planning Commission in the development, adoption, and implementation of the City's ~~master~~ general land use plan and public facility plan;:-
 - B. ~~T~~he development, administration and enforcement of all attendant laws, codes, ordinances and ~~relevant~~ regulations, including but not limited to future land use plans, zoning ordinances, subdivision regulations, business license regulations, property maintenance, and building and housing codes intended to serve the implementation of said plans;:-
 - C. ~~A~~administration of their functions and duties in such a manner as to assist the Administration, City Council and Planning Commission to implement and enforce the Development Code; and:-
 - I. ~~Facilitate, in conjunction with the Engineering Division, the lessening of congestion in the City's streets and roads.~~
 - H. ~~Direct the details of the design, construction, alteration, occupancy, use,~~

~~repair, and maintenance of buildings and properties, structures, and certain equipment therein.~~

~~III. Provide for adequate light and air.~~

~~IV. Classify land uses.~~

~~V. Protect the tax base.~~

~~VI. Secure economy in government expenditures by proper land use planning.~~

~~VII. Foster the City's industrial, business and residential development.~~

~~VIII. Provide for residential rehabilitation.~~

~~D. Direction of assistants and the employees of the office, subject to the limitations and requirements of the budget, appropriations, and applicable statute and ordinances.~~

~~DE. Direction of business licensing, the Division of Building and Safety, and Division of Planning.~~

(2) Boards and Commissions: The following boards and commissions are hereby established for Sandy City and their organization, duties and powers are outlined elsewhere within the Revised Ordinances of Sandy City. These boards and commissions shall, where appropriate, serve as the Land Use Authority and coordinate with the executive branch of City government through the Director of Community Development, the Mayor and the City Administrator.

A. Planning and Zoning Commission.

B. Board of Adjustment.

~~C. Board of Appeals.~~

6-4-6. Economic Development.

(a) The Economic Development Director and staff shall report to the City Administrator and are responsible to plan, promote, coordinate and implement all activities affecting economic development including the following:

(1) representing on behalf of the City economic development issues in the community over which the City has jurisdiction or advisory responsibility;

(2) review the work of staff and make final recommendations on economic development;

(3) coordinate economic development activities with City departments;

(4) develop the economic/redevelopment portion of the City General Plan with the assistance of the Community Development Department;

(5) value economic impact and feasibility of potential development projects;

(6) market and promote the City;

(7) assist and provide services to improve the business climate for local businesses;

- (8) aid existing and new businesses in finding adequate locations or relocations in the City;
 - (9) aid in the preparation of the City Capital Improvement Program and Plan; and
 - (10) provide assistance in the purchase and disposition of real estate.
- (b) The Economic Development Director also serves as the Redevelopment Director of the Redevelopment Agency of Sandy City “RDA” as outlined in RDA by-laws and shall:
- (1) manage the redevelopment agency budgets subject to the limitations and requirements of applicable budget and fiscal appropriations by the RDA Board;
 - (2) perform all related duties and others as may be imposed by statute, the RDA Executive Director, the RDA Board, or City Administrator;
 - (3) conduct planning, qualification, and development of redevelopment project areas and the activities of the RDA; and
 - (4) evaluate land, services and programs to provide recommendations for financial aid or incentives to make projects economically feasible and competitive.

6-4-7. Support Services.

The Chief Administrative Officer may delegate to one or more Assistant Chief Administrative Officers supervision of functions, services, and personnel of the City including but not limited to the following:

- (a) Human Resources, including such functions and duties as outlined in Title 6, Chapter 7;
- (b) Risk Management;
- (c) Emergency Management;
- (d) Facilities;
- (e) Communications;
- (f) Community Events;
- (g) City Recorder’s Office, including such functions and duties as outlined in Section 10-6-137 of the Utah Code and otherwise assigned.

6-4-8. Emergency Interim Succession of City Officers.

By July 1 of each year, each individual holding an office identified in this title shall designate at least three emergency interim successors, specify their order of succession, and provide a list of those designated successors to the Division of Emergency Management, as provided in Section 53-2a-807 of the Utah Code.

Chapter 5 — STANDARDS OF PROFESSIONAL ADMINISTRATION

6-5-1. Purpose.

— The purpose of this chapter is to set forth certain standards of professional administration which shall consist of principles and guidelines which shall be used by administrative staff in the performance of service to the City government.

6-5-2. Adherence to Standards.

— The standards as established by the provisions of this chapter shall be followed and willful violation of any provision set forth herein or of any provision amendatory to this chapter and properly adopted as set forth herein shall be grounds for termination and/or other disciplinary action.

6-5-3. Standards of Professional Administration.

- (a) — In order to facilitate the decision-making process by elected officials, all analysis and recommendations submitted by members of the administrative staff should include available relevant information and the projected implications of that information. Information presented by the administrative staff in their analysis and recommendations shall not be altered, deleted or amended in an attempt to support a particular bias or point of view.
- (b) — Analysis and recommendations by administrative staff to elected officials shall be based upon professional principles and practices. Such recommendations shall identify potential political consequences which may be raised by the analysis or recommendation, but the administrative staff shall leave judgments as to the effect and importance of such political consequences to the sole discretion of the elected officials.
- (c) — Analysis and recommendations to elected officials should present a spectrum of alternatives with justification for each recommendation presented. Such analysis should include both service impacts and economic implications where available and applicable.
- (d) — Employees shall not publicly criticize elected officials for policy decisions except in those extraordinary situations where an imperative justification for public criticism exists. In the event that the employee has particular concerns based upon professional principles and practices in regards to a decision made by an elected official(s), those concerns and any objections to the initial decision by the elected official(s) should be made in a public meeting and as a part of the permanent record of that meeting.
- (e) — Departments within the City government should be operated as efficiently and effectively as possible within the limits of financial and other policy constraints as may from time to time be imposed. Department heads are expected to operate at or above the adopted level of service delivery while remaining at all times within budget allocations.

- (f) — All departments shall be operated in a manner allowing the exercise of individual discretion within the parameters of the appropriate statutes, ordinances and policies, procedures and philosophies as adopted by the elected officials and City Administrator.
- (g) — All employees shall have the duty to notify the appropriate administrative officials of any illegal or unethical actions on the part of public employees, administrators or elected officials.
- (h) — All employees shall attempt to provide fair and unbiased treatment of all residents of Sandy City.

Chapter 6 — ADMINISTRATIVE RULE-MAKING

6-6-1. — Grant of Authority.

- (a) — There is hereby granted to the Mayor and City Administrator of Sandy City the authority, consistent with the procedures outlined in this chapter, to adopt rules to allow for the implementation of the provisions of the ordinances of Sandy City and the policies adopted from time to time by the Sandy City Council.
- (b) — There is hereby granted to the department head the authority and power to prescribe rules consistent with general law, the municipal administrative code or other conditions of the City. Such power to adopt rules shall be limited to procedural and interpretive rules which do not apply to the general public nor any portion of the executive branch other than to the particular department by which the rule is adopted.

6-6-2. — Rules and Rule-Making.

- (a) — The authority to adopt rules is extended to cover the following areas:
 - (1) — **Procedural Rules:** Rules adopted by the executive branch of City government to provide guidelines for the day-to-day operation of that branch and to establish a framework for operations among the various City departments. Copies of procedural rules adopted by the executive branch shall be given to the City Council within ten (10) days of their adoption.
 - (2) — **Interpretive Rules:** Rules adopted as a statement by the executive branch of its understanding of and basis for interpretation of ordinances and policy declarations made by the City Council. Interpretive rules adopted by the executive branch shall be given to the City Council within the ten days of their adoption.
 - (3) — **Legislative Rules:** Rules adopted by the executive branch to implement the ordinances and policy declarations adopted by the City Council, which rules may apply to both the personnel serving in the executive branch and to the general public.
- (b) — Rules adopted pursuant to the authority of this chapter shall be adopted in conformance with the following general principles:

- (1) — Notice of the proposed rule shall be given, insofar as is practical and consistent with principles of good management, to all parties affected by the proposed rule.
- (2) — Participation by affected parties, through oral and written comment, shall be solicited prior to the formal adoption of any rule. Such participation shall include an opportunity for comment from the Mayor, City Administrator and members of the Mayor's executive cabinet.
- (3) — Rules adopted in a tentative form may be published, either by the posting thereof in a public place or by publication of a short summary thereof in a newspaper of general circulation, prior to their formal adoption and implementation. Upon the effective date, the tentative rule shall be implemented unless action is taken by the Mayor or City Administrator to postpone the implementation of such rule.

6-6-3. Procedural and Interpretive Rules.

- (a) — The City Administrator shall circulate copies of proposed procedural and interpretive rules to affected department heads.
- (b) — The circulation of a proposed rule shall include an invitation to interested parties to submit comment, in either oral or written form, to the City Administrator within ten (10) working days of the date of the original proposal.
- (c) — The proposed rule, and comment thereon, shall be considered at the Mayor's cabinet meeting.
- (d) — The rule, in a tentative form, shall be acted upon at the Mayor's cabinet meeting after the receipt and consideration of oral and written comment thereon.
- (e) — In the event a tentative rule shall be adopted, and a date shall be established upon which the rule shall become effective.
- (f) — The City Administrator shall adopt a procedure whereby the provisions of the tentative rule, including the date upon which the rule shall become effective, shall be distributed to the affected departments and members of the public.

6-6-4. Legislative Rules.

- (a) — The City Administrator shall circulate proposed rules to affected departments.
- (b) — The City Administrator may, in his discretion, require a one or two page impact statement which shall include, but not be limited to, the following information in a format as approved by the City Administrator:
 - (1) — Current practices which are similar to those proposed in the rule;
 - (2) — The impact which will result from the adoption of the rule;
 - (3) — The needs or purposes for which the rule is designed;
 - (4) — An analysis of any burdens or costs which will be created by the adoption of the rule.
- (c) — The City Administrator shall provide for notice of the proposed rule to be provided to the public.
 - (1) — Notice of the proposed adoption of legislative rules shall be posted in the Sandy City Hall.
 - (2) — Provide a copy of the proposed legislative rule to the City Council.

- (3) ~~In the event that the City Administrator shall determine it to be in the best interests of the City, a short summary of the proposed rule shall be published in a newspaper having general circulation within Sandy City.~~
- (4) ~~All notices published and posted shall invite oral and written comment within a time frame as established by the City Administrator.~~
- (5) ~~In the event that a proposed rule shall be thought to affect a particular segment of the public, notice shall be given, in the manner most practical considering the particular situation, to those affected parties.~~
- (d) ~~The adoption of legislative rules shall allow for participation of affected parties within the following minimum guidelines:~~
 - (1) ~~The Mayor and City Administrator may, in their discretion, unless specifically directed otherwise by the City Council, adopt procedural rules to be followed with regard to the acceptance of oral and written comment. Such procedural rules may establish limitations upon the time allowed for such oral comment, the type of presentation of information allowed and such other procedural rules as may promote the participation of the interested parties, while balancing the interests of economy and the efficiency of governmental operation.~~
 - (2) ~~Legislative rules shall be passed only after comment and hearing thereon in accordance with procedural rules as just previously described and after presentation as an agenda item in the Mayor's cabinet meeting.~~
 - (3) ~~A tentative rule shall be adopted in written form as a part of the formal agenda process in the Mayor's weekly cabinet meeting.~~
- (e) ~~Tentative rules, as adopted as just previously set forth, shall be published and notice thereof given in the following manner:~~
 - (1) ~~The tentative rule shall be posted in City Hall at least twenty (20) days prior to the effective date thereof.~~
 - (2) ~~The tentative rule may, in the discretion of the Mayor and City Administrator, be published in summary form in the Sandy City Newsletter/or in a newspaper of general circulation within the community.~~
 - (3) ~~Tentative rules shall include an effective date and such rules shall then become effective unless action is taken by the Mayor or City Administrator to postpone the implementation of such rule.~~

6-6-5. Emergency Rule-Making.

- (a) ~~The Mayor and City Administrator are hereby granted the authority to adopt rules having an immediate effective date in those cases when the Mayor or City Administrator shall determine that an emergency exists and that such rule is necessary for the proper functioning of the City government in view of such emergency condition.~~
- (b) ~~Upon the adoption of a rule pursuant to the emergency provisions of this chapter, the said rule shall then be considered through the formal procedures as outlined elsewhere in this chapter as soon as practicable, but no later than thirty (30) days after the date of the original adoption of the emergency rule.~~

6-6-6. Appeals.

~~— Appeals from the application of any of the rules adopted pursuant to the provisions of this chapter shall be made in the following manner:~~

- ~~(a) — The petitioner shall submit to the City Administrator a written statement of appeal at least ten (10) days prior to any hearing to be held as a result of such appeal.~~
- ~~(b) — The City Administrator shall circulate copies of the written appeal made by the petitioner to affected departments within the City and those departments shall submit to the City Administrator a written reply, with a copy of such reply given to the petitioner, to the appeal at least three (3) days prior to a hearing which may be held as a result of the appeal.~~
- ~~(c) — Notice of a hearing date shall be sent to the petitioner by regular mail.~~
- ~~(d) — Appeals from rules adopted shall be heard at a regular session of the Mayor's cabinet meeting. It shall be conducted by the Mayor or City Administrator. The person hearing such appeal, whether the Mayor or City Administrator, shall:
 - ~~(1) — Present questions regarding factual matters that may be raised by the written statements of the petitioner and staff members.~~
 - ~~(2) — Conduct the meeting in conformance with rules which may be adopted from time to time to govern the conduct of such appeal hearings.~~
 - ~~(3) — Shall make written findings as to the facts existing with regard to the particular appeal.~~
 - ~~(4) — Shall make particular conclusions (in writing) with regard to the application of the law to the facts as previously set forth.~~
 - ~~(5) — Shall make a ruling in view of the findings and conclusions as determined to exist. Such ruling may be made at the close of the hearing or may be tabled for such period of time as may be necessary to arrive at a fair and just determination.~~~~
- ~~(e) — Upon the completion of the hearing and the adoption of a written ruling containing particular factual findings and conclusions, the City Administrator shall notify the petitioner in writing of the final determination of the appeal made. Such notice given to the petitioner shall include:
 - ~~(1) — A statement of the basis upon which the decision was made.~~
 - ~~(2) — Particular instructions to the petitioner as to how the particular decision shall be implemented.~~~~
- ~~(f) — The Mayor and City Administrator may, in view of a decision rendered as a result of a particular appeal, consider changes to the general rules and regulations as previously adopted.~~
- ~~(g) — Copies of all rulings or decisions made as a result of an appeal shall be made part of the public record and shall be made publicly available unless such ruling applies to personnel or other confidential matters.~~

Chapter 57 PERSONNEL HUMAN RESOURCES

6-57-1. Scope.

This chapter shall create and establish a comprehensive personnel management system for Sandy City.

6-57-2. Statement of Policy.

The following principles and policies are hereby established:-

- (a) Employment and promotion in the City Government shall be based on qualifications and performance merit and fitness, free of personal and political considerations, and in no way being influenced by religion, age, race, creed, color, sex, national origin, ancestry, or other non-job related factors without regard to any class protected by applicable federal, state, or local employment laws.
- (b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the City Government.
- (c) The system shall provide the means to recruit, select, develop and maintain an effective and responsive work force, and shall provide plans for employee hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge and other related activities.
- (d) ~~Tenure~~ Continued employment of employees, subject to Sections 10-3-1105 and 1106 of the Utah Code, covered by the personnel management system shall be subject to good behavior, satisfactory work performance, the necessity for performance of the work, and the availability of funds.
- (e) Positions having similar duties and responsibilities shall be classified and compensated ~~within~~ on a uniform compensation range basis.
- (f) Appointments, promotions, and other actions ~~requiring the application of the merit principle~~ shall be based on qualifications, systematic tests and/or, evaluations, or documented performance.
- (g) The maintenance of high morale shall be achieved by fair and just administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interest of the public and the City.

6-57-3. Appointed Officers and Employees.

- (1) Except as provided in Subsection (2) below, each employee of the City shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration only as provided in Section 6-57-4 of the Revised Ordinances of Sandy City.
- (2) Subsection (1) does not apply to the following officers and employees of the City:
 - (a) Category 1 Appointed Officers which include those in the positions of: deputy to the Mayor, City Council executive director, senior advisor to the Mayor, Mayor's office manager, police chief, fire chief, ~~assistant deputy~~ fire chief, ~~assistant deputy~~ police chief, chief administrative officer, city attorney, public utilities director, public works director, community development director, finance and information ~~services~~ technology director, economic development director,

- parcs and recreation director, assistant chief administrative officers, deputy city attorney, city engineer, deputy finance and information services technology director, assistant public works director, assistant parks and recreation director, justice court judge, assistant community development director, city treasurer, and city recorder, and other Category 1 Appointed Officers as stated annually in the approved staffing and compensation plan in the budget;
- (b) Category 2 Appointed Officers which include those in the positions of: police captain, city prosecutor, human resources and management services director, risk manager/fund counsel, information services technology director, public utilities operations manager, and public utilities engineering manager, and other Category 2 Appointed Officers as stated annually in the approved staffing and compensation plan in the budget;
- (c) Category 3 Appointed Officers which include those who have been hired under formal written agreement for specific terms based on temporary and exceptional workload demands or because funding is based upon grants or other identified revenues of limited duration;
<http://utecourts.gov/opinions/appopin/howick090613.pdf>
- (d) probationary, part-time, and seasonal employees as defined by City policy;
- (e) elected officials; and
- (f) such other officers which may be classified as appointed officers from time to time by the Mayor or other person or body exercising executive power in the City.
- (3) The Mayor, at his sole discretion, may enter into written agreements with officers and employees specified in subsection (2) establishing a severance payment or allowing for their return to a prior position of employment provided that (a) no such agreement shall be effective unless in writing and attested by the City Recorder and (b) no severance payment shall exceed three months pay without express approval by the City Council.
- (4) Nothing in this section or Section 6-57-4 of the Revised Ordinances of Sandy City may be construed to limit the City's ability to define cause for an employee termination or reduction in force either by general policy or through written directives to individual employees.

6-57-4. Appeal Procedures.

The Mayor shall promulgate procedures to provide for the creation and function of an employee appeals board as required by ~~Utah Code Annotated~~ Sections 10-3-1105 and 1106 of the Utah Code, and shall conform City Procedures to such statutes as they may be amended or succeeded from time to time. City appeal procedures shall specify the method and manner of choosing the members of the appeal board, the number of members, the designation of their terms of office, and the procedure for conducting an appeal and the standard of review. Such procedures may be adopted in the City's Operations Manual or summarized annually in an employee handbook.

6-57-5. Legal Limitations.

City appeal procedures are not intended to establish legal interests in employment or employment benefits and the City hereby undertakes no additional obligations beyond the relevant statutory or other applicable law requirements.

6-57-6. Personnel Human Resources Director.

The ~~Personnel~~ Human Resources Director of Sandy City shall be responsible for the administration and technical direction of the City's ~~personnel~~ human resource management system. The ~~Personnel~~ Director shall be appointed by the Mayor upon the recommendation of the City Administrator, with the advice and consent of the City Council. ~~He shall be covered by the personnel system and the rules and regulations thereof, with the exception that he shall be considered as a department head solely for the purposes of initial appointment and termination.~~ He will report directly to the ~~Director of Administrative Services~~ City Administrator, or his designee, and be subject to the duties and guidance of that ~~department head~~ person in the fulfillment of his duties. His duties shall consist of the following:

- (a) To administer with assistance and advice of the Mayor, City Council and City Administrator, the ~~personnel~~ human resource management system as set forth in this ordinance, and the rules and regulations adopted hereunder. Also, to prepare, recommend, and enforce policies and procedures for personnel administration.
- (b) To encourage and exercise leadership in the development of an effective personnel administration within all departments of the City Government.
- (c) To advise the City Administrator, Mayor and City Council with regard to utilization of ~~personnel~~ human resources throughout the City.
- (d) To foster and develop programs for the improvements of employees' effectiveness, including training, safety, health counseling and other ~~personnel~~ human resource areas.
- (e) ~~To establish and maintain comprehensive personnel records of all employees in the municipal service.~~
- (ef) To prepare, recommend, and maintain a position classification plan for all positions in the municipal service based on the level and difficulty of duties performed and responsibilities assumed.
- (fg) To prepare and recommend to the City Council ~~an equitable~~ a pay plan for all municipal employees.
- (gh) To direct the procedures for recruitment, testing, selection and hiring of all City employees, ~~which shall be accomplished in accordance with written standards established by the Personnel Department, which standards shall have been presented to the City Council for their review and comment. This includes the preparation and administration of competitive assembled and unassembled examinations whenever practicable, for all original appointments and promotions in the City service subject to testing, in conjunction with the appropriate department head.~~
- (i) ~~To develop and administer plans for the recruitment examination, and placement of persons and to determine the relative fitness of applicants for positions in the~~

career service.

- (j) ~~To establish and maintain eligibility lists for appointment and promotion, upon which lists shall be placed the names of qualifying candidates and to specify and certify, those persons who are categorized as outstanding, well qualified, or qualified for City position vacancies.~~
- (k) ~~To develop and administer plans for promotions which give appropriate consideration to each applicant's qualifications, records of performance and abilities in relation to the highest level of work to be performed.~~
- (h) To develop and administer a program of employee performance evaluations which can serve as a basic factor in such personnel transactions as determining salary increments or increases by meritorious services, promotions, establishing order of lay-offs due to lack of funds or work, reinstatements, discharge or transfers.
- (i) To establish a plan for resolving employee grievances and complaints prior to appeals.
- (j) To coordinate procedures for disciplinary actions such as suspensions, demotions in rank or grade, or discharge, and to provide for presentation of charges, hearings and appeals for all employees.
- (k) To certify all employees for payroll purposes and other benefits.
- (l) To make annual reports to the City Council regarding the condition of the overall personnel management system.
- (m) To compute for budgetary purposes the annual salary costs for all departments.
- (n) To supervise, develop, and maintain personnel systems, forms, procedures, and methods of record keeping and maintain a roster of all persons in the City service.
- (o) ~~To certify~~ establish procedures for the appointment, promotion, demotion, discipline and other actions affecting persons in ~~the Classified City Service.~~
- (p) To create and implement programs to increase the personnel relation efforts of the City in a positive manner and project a cheerful public image.
- (q) ~~To recommend to the Council~~ contractual arrangements with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel system.
- (r) To develop, administer and coordinate the training program for City employees.
- (s) To develop and maintain other practices and procedures necessary to the administration of the personnel system.

6-57-7. The Department Head.

Except as provided in the Legislative and Judicial Codes, The department heads, and assistant chief administrative officers shall have the power to appoint, promote, demote, instigate disciplinary action, terminate, evaluate the performance and perform other personnel actions within their particular assigned departments, divisions, offices, and functions, that are consistent with this chapter and the rules and regulations developed hereunder.

6-57-8. Appointments from Certified Lists.

Whenever a vacancy or job opening for a non-appointed position is to be filled, selections

shall be made from a pool of qualified candidates submitted by the human resources office. Only the most qualified persons will be considered based on the job related tests, examinations, and/or selection techniques, to the extent permitted by law. Offers of city employment shall be made from these qualified applicants. The Mayor may adopt policies at variance with this section for interns and seasonal, part-time, and temporary employees.

6-57-9. Rules and Regulations.

Personnel rules and regulations, or revision thereof, may be adopted by the Mayor and upon such adoption ~~and approval~~ shall be filed with the City Recorder and ~~Personnel~~ Human Resources Office. An Employee Handbook shall be distributed ~~to all City employees~~ annually and shall be available for public inspection during normal business hours. Rules and regulations, job descriptions, and Employee Handbooks may cover specific procedures and policies consistent with policies as established by the City Council, ~~and may address the following phases of the personnel system:~~

- ~~(a) — Administration of the classification plan.~~
- ~~(b) — Administration of the pay plan.~~
- ~~(c) — Announcement of employment vacancies and recruitment policies.~~
- ~~(d) — Preparation and conducting of examinations.~~
- ~~(e) — Establishment and use of eligibility lists based on relative fitness of applicants for positions.~~
- ~~(f) — Establishment of promotional policies.~~
- ~~(g) — Certification and employment of persons from employment lists to fill vacancies.~~
- ~~(h) — Performance evaluations of employees including persons on probationary status.~~
- ~~(i) — Transfer, promotion, and reinstatement of employees.~~
- ~~(j) — Separation of employees by resignation, suspension, dismissal, lay-off and for incapacity to perform required duties.~~
- ~~(k) — Establishment of hours of work, holidays, vacation, attendance and leave regulations and procedures.~~
- ~~(l) — Outside employment of municipal employees.~~
- ~~(m) — Relations with employee organizations.~~
- ~~(n) — Establishment of a probationary period, not to exceed one year without approval of the city administrator, for all employees prior to employment or promotion.~~
- ~~(o) — Establishment of complaint resolution procedures.~~
- ~~(p) — Development of employee morale, safety and training.~~
- ~~(q) — Establishment of rules and regulations governing full-time, part-time seasonal and appointed employees.~~
- ~~(r) — Such other matters as may be necessary to carry out the intent and the purpose of this ordinance.~~

Personnel rules and regulations so adopted may be ~~ad~~revised or amended at any time, ~~and n~~No personnel rule or regulation nor any ~~E~~mployee ~~H~~andbook may create an express or implied contract of any kind.

6-57-10. Acts Prohibited.

- (a) No person shall willfully make any false statement, certificate, mark, rating or report in regard to an application, test, certification, evaluation, or appointment held or made under the personnel system hereby established, or in any manner commit any fraud or other act for the purpose of preventing a proper or impartial execution of said personnel system.
- (b) No person seeking employment or promotion shall give or pay any money or other thing of value, or render services to any person for, or on account of, or in connection with his test, appointment, proposed appointment, promotion, proposed promotion, or for any other employment advantage with the City.

6-57-11. Invalidity of Acts.

Any act which is in violation of the provisions of this chapter is invalid and shall be set aside.

6-57-12. Agreements and Cooperation with other Governmental Agencies.

- (a) The Mayor may, as permitted by law, enter into agreements with any federal, state or local government organization(s) for receipt of grants or services, including material or equipment which is designed to strengthen personnel administration and train municipal employees, or to improve specific access of persons to the ~~personnel~~ human resource system hereby established.
- (b) The ~~Personnel~~ Human Resources Director, acting in behalf of the City, may cooperate with other governmental agencies charged with public personnel administration in conducting personnel tests, recruiting personnel, training personnel, establishing lists from which ~~eligible candidates~~ shall be certified for appointment, and for the interchange of personnel and employee benefits.

6-57-13. Employee Organizations.

All employees shall have the right to organize, join and participate or to refuse to organize, join or participate in any employee organization without fear of penalty or reprisal.

6-57-14. City Volunteers.

The rights of City volunteers shall be limited to those established by the Volunteer Government Workers Act, Section 67-20-1 et seq. of the Utah Code ~~Chapter 20, Title 67 of state statute~~. No person shall be considered a City volunteer unless approved in writing by the Mayor or his authorized representative, and by the City's ~~Personnel~~ Human Resources Director.

6-8-1. Interpretation of Administrative Code.

~~— This Administrative Code shall be interpreted and opinions as to the intent and application hereof rendered with consideration to the specific provisions of the Code itself and with due regard to a document prepared in connection with the adoption of this Code and entitled "Background Analysis." While such "Background Analysis" is not formally adopted as an ordinance of Sandy City, the concepts and historical facts reviewed therein are deemed an important source in providing a correct interpretation and understanding of this Administrative Code.~~

6-68-1. Ethics.

The ethical conduct of all elected officials, officers, agents and employees of the City shall be governed by the provisions of the "Municipal Officers' and Employees' Ethics Disclosure Act, ~~Utah Code Annotated Section 10-3-1301 et seq. of the Utah Code, or its successor statute(s) and other applicable law.~~

6-68-23. Prohibitions on Employment of Relatives.

Prohibitions on the employment of relatives by the City shall be governed by ~~the provisions of Utah Code Annotated, Section 52-3-1 of the Utah Code and any successor provisions thereof.~~

Chapter 9 — EMERGENCY INTERIM SUCCESSION OF CITY OFFICERS

6-9-1. Definitions.

~~— As used herein the following terms shall have the meanings designated.~~

- ~~(a) — "Absent" or "absence" means not physically present or not able to be communicated with during the time of a disaster.~~
- ~~(b) — "Defined Officer" means any person whose duties are defined by constitution, statute, ordinance, or optional plan pursuant to Chapter 63-5b, Utah Code Annotated (UCA).~~
- ~~(c) — "Disaster" means a situation causing, or threatening to cause, wide spread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon, or technological hazard.~~
- ~~(d) — "Emergency interim successor" is the individual designated as provided herein to fulfill the duties of a Defined Officer or department head in the event of a disaster where the Defined Officer or department head, or any designated prior emergency interim successor is absent.~~
- ~~(e) — "Executive director" means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.~~

6-9-2. Successors of Mayor.

~~———— In the Mayor's absence or unavailability during a disaster, the City Administrator shall exercise the duties and powers of the Mayor. The Mayor shall designate three other persons to act as emergency interim successors in his or her stead and to exercise the powers of the Mayor in the event the Mayor and the City Administrator are unavailable during a disaster.~~

6-9-3. Succession of Defined Officers and Department Heads.

~~———— Each Defined Officer or department head shall from time to time designate three emergency interim successors for his or her office in a designated succession to the Mayor and City Recorder in a signed writing which shall be effective except as otherwise designated in writing by the Mayor. The Mayor may by his own initiative designate from time to time the order of succession for any Defined Officer or department head, and shall so notify in a signed writing the City Recorder and the Defined Officer or department head.~~

6-9-4. Written Notice to Recorder.

~~———— The City Recorder shall keep a current written list of designated emergency interim successors for all the Defined Officers and department heads and shall promptly provide that list to the City Emergency Service Director in the Fire Department in a signed writing as they may change from time to time. The City Recorder shall also provide a list of emergency interim successors to all of the City's Defined Officers to the State Division of Comprehensive Emergency Management.~~

6-9-5. Oath of Office.

~~———— Each individual designated as an emergency interim successor shall take and sign an oath of office if such an oath is required for the person to exercise the powers and duties of the office to which the person may succeed.~~

Chapter 710 SANDY CITY ARTS GUILD

6-710-1. Creation and Purpose.

There is hereby recognized a separate, non-profit corporation known as the Sandy City Arts Guild ("Guild") to supplement, expand and broaden the community arts within the City and the State of Utah. The Guild is a wholly-owned City instrumentality which is a separate entity and which is organized and operated exclusively for purposes described in section 501(c)(3) of the Internal Revenue Code of 1954, or the corresponding provisions of any future United States Internal Revenue Law. The Guild's budget, purposes and priorities shall at all times be consistent with those set by the Sandy City Council.

6-710-2. Composition.

The Guild shall consist of a Board of Trustees, which shall be appointed by the Mayor with the advice and consent of the City Council; a Chairman and CEO ("CEO"), ~~which shall be~~

~~the Sandy City Mayor;~~ and such City personnel and volunteers as may be deemed necessary by the CEO to assist the Guild. The volunteers as shall be assigned under Section 6-~~57~~-14 of the Revised Ordinances of Sandy City ~~of City Ordinances~~.

6-~~710~~-3. Bylaws.

Provisions for the regulations of the internal affairs of the Guild shall be set forth in the Guild's Bylaws.