

# 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) establish and clarify the organizational structure of the City government.
- (b) identify appointed officials and specify their duties.
- (c) establish descriptions and parameters of departmental responsibilities.
- (d) establish specific definitions of the powers, duties and functions of the Mayor and City Administrator of the City.
- (e) establish the general parameters of the administration of human resources, purchasing and financial functions of the Administration. (Ord17-06, Amended 2/7/2017)

#### 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 "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, 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. (Ord17-06, Amended 2/7/2017)

### Chapter 2 OFFICE OF MAYOR

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

The Mayor shall be a registered voter of the municipality, 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. (Ord17-06, Amended 2/7/2017)

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

If any vacancy occurs in the office of Mayor, the City Council shall make an appointment to fill the unexpired term of the office under the procedures of Section 20A-1-510 of the Utah Code. (Ord17-06, Amended 2/7/2017)

**6-2-3. Powers and Duties.**

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. (Ord17-06, Amended 2/7/2017)

#### **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. (Ord17-06, Amended 2/7/2017)

#### **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 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 City ordinance, 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 the Mayor. 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. (Ord17-06, Amended 2/7/2017)

#### **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) abolish, change or reorganize the same;
- (b) abolish, change, reorganize or transfer functions, duties and services;
- (c) assign or reassign personnel to or between any section or division of the office of the Mayor; and

- (d) 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. (Ord17-06, Amended 2/7/2017)

#### **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. (Ord17-06, Amended 2/7/2017)

### **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 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. (Ord17-06, Amended 2/7/2017)

#### **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. (Ord17-06, Amended 2/7/2017)

### **6-3-3. Duties of Chief Administrative Officer.**

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

- (a) recommend to the Mayor the appointment of persons to the position of department head and to other employment positions within the City;
- (b) recommend the removal of persons such as department heads or other employees of the City;
- (c) approve administrative policy and rules;
- (d) act as the budget officer of the City when designated by the Mayor;
- (e) act through the Mayor to enforce the laws, ordinances and policies as established by the City;
- (f) bind the City to financial agreements in emergency situations;
- (g) act as an official representative of the City administration in the Mayor's absence;
- (h) sign plats and agreements in behalf of the City in the Mayor's absence or as delegated by the Mayor;
- (i) recommend to the Mayor and implement upon adoption such projects as may increase productivity within the City government;
- (j) carry out assignments as delegated by the Mayor;
- (k) exercise such other powers and responsibilities as may be required to efficiently and effectively administer the City government on a day-to-day basis;
- (l) except 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;
- (m) attend all meetings of the City Council unless specifically excused and recommend for adoption such measures as he shall deem expedient;
- (n) hold 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) resolve actual and potential conflict among departments of the City government and maintain harmony conducive to proper functioning of the City Administration;
- (p) plan, direct and control, under the direction of the Mayor, the administrative affairs of the City; and
- (q) 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. (Ord17-06, Amended 2/7/2017)

### **6-3-4. 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: 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.
- (Ord17-06, Amended 2/7/2017)

### **6-3-5. 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.
- (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. (Ord17-06, Amended 2/7/2017)

### **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. (Ord17-06, Amended 2/7/2017)

## **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. (Ord17-06, Amended 2/7/2017)

#### **6-4-2. Principles of Departmental Organization.**

- (a) Notwithstanding their inclusion as part of this original code, departments, divisions, services, or offices may be added, modified or removed at the 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.
- (b) A designation of any department, division, 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.

(Ord17-06, Amended 2/7/2017)

#### **6-4-3. Designation of Departments and Department Heads.**

(a) Subject to the discretion of the Mayor set forth in Section 6-4-2 of the Revised Ordinances of Sandy City, the following shall be departments within the 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:

- (1) The Department of Finance and Information Technology shall be headed by the Director of Finance.
- (2) The Legal Department shall be headed by the City Attorney.
- (3) The Police Department shall be headed by the Chief of Police.
- (4) The Fire Department shall be headed by the Fire Chief.
- (5) The Department of Public Works shall be headed by the Director of Public Works.
- (6) The Department of Parks and Recreation shall be headed by the Director of Parks and Recreation.
- (7) The Department of Community Development shall be headed by the Director of Community Development.
- (8) 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. (Ord17-06, Amended 2/7/2017)

#### **6-4-4. Organizational Chart.**

The organization of the executive branch shall be graphically displayed in the annual budget. (Ord17-06, Amended 2/7/2017)

#### **6-4-5. Departmental Functions and Duties of Appointed Officers.**

- (a) Department of Finance and Information Technology.
  - (1) Functions. The Department of Finance and Information Technology shall be responsible for operations which shall include, but not be limited to, the following:

- A. 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 Technology – the application of computers and telecommunications equipment and systems, Geographic Information System (“GIS”), data processing, research, special management reports and data center.
- (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. The Director of Finance shall not, at any time, assume the duties of City Treasurer or of the Mayor’s statutory duties as the Financial Officer. The Director of Finance shall:
- A. perform financial duties as provided in the Uniform Fiscal Procedures Act for Utah Cities and
  - B. perform such other duties as may be required by the Mayor or City Administrator and at all times remain consistent with City ordinance and state statute.
- (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 Finance and Information Technology and shall be under the direction of that Department. The City Treasurer shall:
- 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.
- (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:
- A. prosecute 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;
  - B. attend all City Council meetings, unless specifically excused therefrom;
  - C. furnish 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;
  - 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) has not been specifically retained by the City Attorney; (ii) is not paid from funds controlled by the City Attorney; or (iii) is not under the actual direction of the City Attorney's Office;
  - E. prepare or review all proposed ordinances and resolutions presented to the Mayor

- or City Council;
  - F. approve the form of all contracts entered into by the municipality; and
  - G. prepare 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, as both a prosecutor or advocate before, and as an advisor to, any administrative department, board, commission, 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, by and through its sworn officers, shall pursue the following objectives:
    - A. preserving the public peace by planning for enforcement of the laws of the City;
    - B. preventing crime;
    - C. detecting and arresting criminal offenders;
    - D. protecting the rights of persons and property;
    - E. regulating and controlling motorized, bicycle and pedestrian traffic;
    - F. training of sworn personnel;
    - G. providing and maintaining police records and communication systems; and
    - H. supervising all functions of animal services 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. execute 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. suppress 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. apprehend 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 for examination and trial consistent with law;
    - D. promote the prevention of accidents, crime and other incidents prohibited by statute or ordinances;
    - E. promote the protection of life and property, all pursuant to and as provided by statute and ordinance; and
    - F. have like powers as sheriffs or constables in similar cases.
- (d) Fire Department.
  - (1) The Fire Department shall:
    - A. develop and administer public education and fire prevention programs;
    - B. inspect buildings, vacant fields, fire hydrants and proposed building plans.
    - C. develop, administer, and enforce all applicable state and City laws, ordinances, code and regulations pertaining to:

- i. the inspection of fire hydrants and proposed building plans;
  - ii. the prevention and extinguishing of fires;
  - iii. the storage and use of explosives and flammables;
  - iv. the maintenance and regulation of fire escapes and fire extinguishing apparatus; and
  - v. the means and adequacy of building exits;
- D. investigate the causes, origins and circumstances of fires;
- E. develop and operate emergency fire alarm and communications systems;
- F. provide fire rescue and emergency services;
- G. provide an emergency medical program; and
- H. protect life and property.
- (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, 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 of the City vehicle fleet.
    - D. Design and construction of capital improvements projects constructed within Sandy City.
    - E. 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 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.
- (f) Department of Public Utilities.
  - (1) Functions: The Department of Public Utilities shall have charge and be responsible for:
    - A. 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. 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. development 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. coordination 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.
- (2) Utility Engineering: Under the direction of the City Engineer, the Department of Public Utilities engineering section shall be responsible to:
- A. review, supervise and accept all engineering and architectural design, and construct utility facilities required by or for the City;
  - B. coordinate and supervise all utility construction work within the public rights of way of the City; and
  - C. maintain records of utility improvements as prescribed by State statute, including but not limited to, maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts.
- (g) Department of Parks and Recreation.
- (1) The Department of Parks and Recreation shall:
- A. construct, operate, schedule and maintain all landscaped areas and park facilities owned or managed by the City, including parks, buildings and structures within the park system, golf course, cemetery, public trails, and public grounds;
  - B. set up, take down, and assist in the operation of City events;
  - C. 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.
- (h) Department of Community Development.
- (1) Functions: The Department of Community Development shall have charge of and be responsible for:
- A. providing the assistance necessary to the Administration, City Council and Planning Commission in the development, adoption, and implementation of the City's general land use plan and public facility plan;
  - B. the 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. 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
  - D. 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. (Ord17-06, Amended 2/7/2017)

#### **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. (Ord17-06, Amended 2/7/2017)

#### **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 5;
- (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. (Ord17-06, Amended 2/7/2017)

#### **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. (Ord17-06, Amended 2/7/2017)

## **Chapter 5 HUMAN RESOURCES**

#### **6-5-1. Scope.**

This chapter shall create and establish a comprehensive personnel management system for Sandy City. (Ord17-06, Amended 2/7/2017)

#### **6-5-2. 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 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) Continued employment of employees, subject to Sections 10-3-1105 and 1106 of the Utah Code, 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 a uniform compensation range.
- (f) Appointments, promotions, and other actions shall be based on qualifications, systematic tests 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. (Ord17-06, Amended 2/7/2017)

### **6-5-3. 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 6-5-4 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, deputy fire chief, deputy police chief, chief administrative officer, city attorney, public utilities director, public works director, community development director, finance and information technology director, economic development director, parks and recreation director, assistant chief administrative officers, deputy city attorney, city engineer, deputy finance and information technology director, assistant public works director, assistant parks and recreation director, justice court judge, assistant community development director, city treasurer, 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 director, risk manager/fund counsel, information technology director, public utilities operations manager, 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;
  - (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 6-5-4 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-4. Appeal Procedures.**

The Mayor shall promulgate procedures to provide for the creation and function of an employee appeals board as required by 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-5. 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 relevant statutory or other applicable law. (Ord17-06, Amended 2/7/2017)

#### **6-5-6. Human Resources Director.**

The Human Resources Director of Sandy City shall be responsible for the administration and technical direction of the City's human resource management system. The Director shall be appointed by the Mayor upon the recommendation of the City Administrator, with the advice and consent of the City Council. He will report directly to the City Administrator, or his designee, and be subject to the duties and guidance of that 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 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 human resources throughout the City.
- (d) To foster and develop programs for the improvements of employees' effectiveness, including training, safety, health counseling and other human resource areas.
- (e) 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.
- (f) To prepare and recommend to the City Council a pay plan for all municipal employees.
- (g) To direct the procedures for recruitment, testing, selection and hiring of all City

- employees
- (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 establish procedures for the appointment, promotion, demotion, discipline and other actions affecting persons in 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 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-7. The Department Head.**

Except as provided in the Legislative and Judicial Codes, 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-8. Appointments.**

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, 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-9. Rules and Regulations.**

Personnel rules and regulations, or revision thereof, may be adopted by the Mayor and upon such adoption shall be filed with the City Recorder and Human Resources Office. An Employee Handbook shall be distributed 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.

Personnel rules and regulations so adopted may be revised or amended at any time. No personnel rule or regulation nor any employee handbook may create an express or implied contract of any kind. (Ord17-06, Amended 2/7/2017)

#### **6-5-10. 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-11. Invalidity of Acts.**

Any act which is in violation of the provisions of this chapter is invalid and shall be set aside. (Ord17-06, Amended 2/7/2017)

#### **6-5-12. 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 human resource system hereby established.
- (b) The 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 candidates shall be certified for appointment, and for the interchange of personnel and employee benefits. (Ord17-06, Amended 2/7/2017)

#### **6-5-13. 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. (Ord17-06, Amended 2/7/2017)

#### **6-5-14. 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. No person shall be considered a City volunteer unless approved in writing by the Mayor or his authorized representative, and by the City's Human Resources Director. (Ord17-06, Amended 2/7/2017)

## **Chapter 6 MISCELLANEOUS PROVISIONS**

### **6-6-1. 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 Act," Section 10-3-1301 et seq. of the Utah Code and other applicable law. (Ord17-06, Amended 2/7/2017)

### **6-6-2. Prohibitions on Employment of Relatives.**

Prohibitions on the employment of relatives by the City shall be governed by Section 52-3-1 of the Utah Code. (Ord17-06, Amended 2/7/2017)

## **Chapter 7 SANDY CITY ARTS GUILD**

### **6-7-1. 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. (Ord17-06, Amended 2/7/2017)

### **6-7-2. 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"), 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 6-5-14 of the Revised Ordinances of Sandy City. (Ord17-06, Amended 2/7/2017)

### **6-7-3. Bylaws.**

Provisions for the regulations of the internal affairs of the Guild shall be set forth in the Guild's Bylaws. (Ord17-06, Amended 2/7/2017)